



Queensland

Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill 2018



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2018

A Bill

for

An Act to amend the *Disability Services Act 2006*, the *Public Service Act 2008*, the *Working with Children (Risk Management and Screening) Act 2000* and the legislation mentioned in schedule 2 for particular purposes

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Working with Children (Risk Management and Screening) and Other Legislation Amendment Act 2018*. 4
5
6

Clause 2 Commencement 7

This Act commences on a day to be fixed by proclamation. 8

Part 2 Amendment of Working with Children (Risk Management and Screening) Act 2000 9
10
11

Clause 3 Act amended 12

This part amends the *Working with Children (Risk Management and Screening) Act 2000*. 13
14

Note— 15

See also the amendments in schedule 1. 16

Clause 4 Insertion of new ch 1, pt 1, hdg 17

Chapter 1— 18

insert— 19

Part 1 Introduction 20

Clause 5	Insertion of new s 7	1
	After section 6—	2
	<i>insert</i> —	3
	7 Act applies despite the Criminal Law (Rehabilitation of Offenders) Act 1986	4 5
	This Act applies to a person despite anything in the <i>Criminal Law (Rehabilitation of Offenders)</i> <i>Act 1986</i> .	6 7 8
Clause 6	Amendment of s 8 (Chief executive’s main functions)	9
	Section 8—	10
	<i>insert</i> —	11
	(c) to establish a register of regulated persons who provide home-based care services to children.	12 13 14
Clause 7	Insertion of new ch 1, pt 2, hdg	15
	After section 8—	16
	<i>insert</i> —	17
	Part 2 Interpretation	18
Clause 8	Relocation and renumbering of s 3 (Dictionary)	19
	Section 3—	20
	<i>relocate</i> to chapter 1, part 2, as inserted by this Act, and <i>renumber</i> as section 9.	21 22
Clause 9	Amendment and renumbering of ch 8, hdg (Screening for regulated employment and regulated businesses)	23 24
	(1) Chapter 8, heading, ‘Screening for regulated’—	25
	<i>omit, insert</i> —	26

	Regulated	1
(2)	Chapter 8—	2
	<i>renumber</i> as chapter 7.	3
Clause 10	Replacement of ss 156–157	4
	Sections 156 and 157—	5
	<i>omit, insert</i> —	6
	156 Regulated employment	7
(1)	Employment is <i>regulated employment</i> if it is	8
	employment of a type that is stated to be regulated	9
	employment in schedule 1, part 1.	10
(2)	However, employment is not regulated	11
	employment if—	12
(a)	it is of a type of employment that schedule	13
	1, part 1 states is not regulated employment;	14
	or	15
(b)	schedule 1, part 3 states that this chapter	16
	does not apply to the employment.	17
(3)	Also, the unpaid employment of a child is not	18
	regulated employment unless the child is a trainee	19
	student of an education provider and the	20
	employment is part of the course undertaken by	21
	the trainee student with the education provider.	22
(4)	Further, the employment of a person is not	23
	regulated employment if the person is employed	24
	to work, and works, in the employment for not	25
	more than 7 days in a calendar year.	26
	157 Regulated businesses	27
(1)	A business is a <i>regulated business</i> if it is a type of	28
	business that is stated to be a regulated business in	29
	schedule 1, part 2.	30

	(2) However, a business is not a regulated business if schedule 1, part 3 states that this chapter does not apply to the carrying on of the business.	1 2 3
Clause 11	Omission of s 160 (Application of chapter to children) Section 160— <i>omit.</i>	4 5 6
Clause 12	Amendment of s 162 (What is employment when education provider arranges trainee student to carry out work for someone else) (1) Section 162, ‘section 161’— <i>omit, insert—</i> section 10 (2) Section 162(3) and (4)— <i>omit, insert—</i> (3) Subsection (2) applies even if there is no express agreement between the person and the trainee student for the trainee student to carry out the work.	7 8 9 10 11 12 13 14 15 16 17 18
Clause 13	Amendment of s 169 (Who is a <i>disqualified person</i>) (1) Section 169(1)— <i>insert—</i> (c) is the respondent to an application for an offender prohibition order under the Offender Reporting Act. (2) Section 169(2)— <i>omit, insert—</i> (2) However, a person to whom subsection (1)(a) applies and subsection (1)(b) and (c) do not apply	19 20 21 22 23 24 25 26 27 28

	is not a disqualified person if an eligibility declaration is in force for the person.	1 2
	<i>Note—</i>	3
	See chapter 8, part 1, division 2 for provisions about obtaining an eligibility declaration, when an eligibility declaration is taken to be issued and when an eligibility declaration ends.	4 5 6 7
Clause 14	Amendment of s 170 (Who is a <i>relevant disqualified person</i>)	8 9
	Section 170—	10
	<i>insert—</i>	11
	(c) is the respondent to an application for an offender prohibition order under the Offender Reporting Act.	12 13 14
Clause 15	Relocation and renumbering of ss 161–170	15
	Sections 161 to 170, as amended by this Act—	16
	<i>relocate</i> to chapter 1, part 2, as inserted by this Act, and <i>renumber</i> as sections 10 to 18.	17 18
	<i>Editor’s note—</i>	19
	See amendment of sections 161, 164 and 166 in schedule 1.	20
Clause 16	Omission of ch 7, pt 2, hdg (Interpretation)	21
	Chapter 7, as renumbered by this Act, part 2, heading—	22
	<i>omit.</i>	23
Clause 17	Replacement of ch 7, pt 4, hdg and div 1	24
	Chapter 7, as renumbered by this Act, part 4, heading and division 1—	25 26
	<i>omit, insert—</i>	27

Part 4	Screening requirements	1 2
Division 1	Preliminary	3
173	Requirements for employer giving notice about employing person	4 5
(1)	Before giving a notice mentioned in section 175(1)(b) or 176C(1)(b) about the employment or proposed employment of a person, an employer must take reasonable steps to verify the person's identity.	6 7 8 9 10
	<i>Examples of reasonable steps—</i>	11
	<ul style="list-style-type: none">the employer views the person's working with children card that includes the person's photographthe employer views the person's driver licence that includes the person's photograph	12 13 14 15
(2)	The employer must give the notice in the approved form and in an approved way.	16 17
Division 2	Requirement for working with children clearance	18 19
174	Application of division	20
	This division does not apply in relation to the employment of a person, or the carrying on of a business by a person, who is a police officer or registered teacher.	21 22 23 24
175	Clearance required to employ person in regulated employment	25 26
(1)	A person (the <i>employer</i>) must not employ, or	27

continue to employ, another person (the *employee*) in regulated employment unless— 1
2

(a) the employee holds a working with children 3
clearance; and 4

(b) the employer has given the chief executive a 5
notice, under section 173, about employing 6
the employee in regulated employment. 7

Maximum penalty— 8

(a) if an aggravating circumstance applies to the 9
offence—200 penalty units or 2 years 10
imprisonment; or 11

(b) otherwise—100 penalty units. 12

(2) It is an *aggravating circumstance* for an offence 13
against subsection (1) if— 14

(a) the employee holds a negative notice and the 15
employer knows, or ought reasonably to 16
know, the employee holds the negative 17
notice; or 18

(b) the chief executive has given the employer a 19
notice under chapter 8, part 5A that states 20
the employee’s working with children 21
authority has been cancelled; or 22

(c) the chief executive has given the employer a 23
withdrawal notice for a working with 24
children check application made by the 25
employee because section 199 applies. 26

**176 Employing person with suspended clearance 27
prohibited 28**

A person (the *employer*) must not employ another 29
person (the *employee*) to start in regulated 30
employment if— 31

(a) the employee holds a working with children 32
clearance that is suspended; and 33

-
- (b) the employer knows, or ought reasonably to know, the employee's clearance is suspended. 1
2
3
- Maximum penalty—200 penalty units or 2 years imprisonment. 4
5

176A Person prohibited from regulated employment without clearance 6
7

- (1) A person must not start or continue in regulated employment unless the person holds a working with children clearance. 8
9
10
- Maximum penalty— 11
- (a) if an aggravating circumstance applies to the offence—500 penalty units or 5 years imprisonment; or 12
13
14
- (b) otherwise—100 penalty units. 15
- (2) It is an **aggravating circumstance** for an offence against subsection (1) if the person— 16
17
- (a) holds a negative notice; or 18
- (b) is a disqualified person; or 19
- (c) held a working with children authority that was cancelled on the person's request under chapter 8, part 5A, division 4; or 20
21
22
- (d) made a working with children check application and the application was withdrawn because section 199 applies. 23
24
25
- (3) However, if the person's working with children clearance was cancelled under chapter 8, part 5A, a court may not find the person contravened subsection (1) unless the court is satisfied the person was given written notice about the cancellation. 26
27
28
29
30
31

176B Clearance required to carry on regulated business	1 2
A person must not carry on a regulated business unless the person holds a working with children clearance.	3 4 5
Maximum penalty—500 penalty units or 5 years imprisonment.	6 7
<i>Note—</i>	8
Under section 14, particular executive officers of a corporation that carries on a regulated business are taken to carry on the regulated business.	9 10 11
Division 3 Requirement for working with children exemption for police officers and registered teachers	12 13 14 15
176C Exemption required to employ police officer or registered teacher in regulated employment	16 17
(1) A person (the <i>employer</i>) must not employ, or continue to employ, a police officer or registered teacher (the <i>employee</i>) in regulated employment unless—	18 19 20 21
(a) either—	22
(i) the employee holds a working with children authority; or	23 24
(ii) the employee has made a working with children check (exemption) application and the application has not been decided or withdrawn; and	25 26 27 28
(b) the employer has given the chief executive a notice, under section 173, about employing the employee in regulated employment.	29 30 31

Maximum penalty—	1
(a) if an aggravating circumstance applies to the offence—200 penalty units or 2 years imprisonment; or	2 3 4
(b) otherwise—100 penalty units.	5
(2) It is an <i>aggravating circumstance</i> for an offence against subsection (1) if—	6 7
(a) the employee holds a negative notice and the employer knows, or ought reasonably to know, the employee holds the negative notice; or	8 9 10 11
(b) the chief executive has given the employer a notice under chapter 8, part 5A that states the employee’s working with children authority has been cancelled; or	12 13 14 15
(c) the chief executive has given the employer a withdrawal notice for a working with children check application made by the person because section 199 applies.	16 17 18 19
176D Employing police officer or registered teacher with suspended authority prohibited	20 21
A person (the <i>employer</i>) must not employ a police officer or registered teacher (the <i>employee</i>) to start in regulated employment if—	22 23 24
(a) the employee holds a working with children authority that is suspended; and	25 26
(b) the employer knows, or ought reasonably to know, the employee’s authority is suspended.	27 28 29
Maximum penalty—200 penalty units or 2 years imprisonment.	30 31

176E Police officer or registered teacher prohibited from regulated employment without exemption	1
	2
(1) A person who is a police officer or registered teacher must not start or continue in regulated employment unless—	3
	4
	5
(a) the person holds a working with children authority; or	6
	7
(b) the person has made a working with children check (exemption) application and the application has not been decided or withdrawn.	8
	9
	10
	11
Maximum penalty—	12
(a) if an aggravating circumstance applies to the offence—500 penalty units or 5 years imprisonment; or	13
	14
	15
(b) otherwise—100 penalty units.	16
(2) It is an <i>aggravating circumstance</i> for an offence against subsection (1) if the person—	17
	18
(a) holds a negative notice; or	19
(b) for a person mentioned in subsection (1)(b)—is a disqualified person; or	20
	21
(c) held a working with children authority that was cancelled on the person’s request under chapter 8, part 5A, division 4; or	22
	23
	24
(d) made a working with children check application that was withdrawn because section 199 applies.	25
	26
	27
(3) However, if the person’s working with children authority was cancelled under chapter 8, part 5A, a court may not find the person contravened subsection (1) unless the court is satisfied the person was given written notice about the cancellation.	28
	29
	30
	31
	32
	33

176F Exemption required for regulated employment if previous application withdrawn	1
	2
(1) This section applies if a person who is police officer or registered teacher makes a working with children check (exemption) application that is withdrawn because section 196 or 199 applies.	3
	4
	5
	6
(2) The person must not start or continue in regulated employment unless the person holds a working with children authority.	7
	8
	9
Maximum penalty—	10
(a) if the withdrawal notice is given because section 199 applies—500 penalty units or 5 years imprisonment; or	11
	12
	13
(b) otherwise—100 penalty units or 1 year’s imprisonment.	14
	15
(3) Despite section 176E, subsection (2) applies even if the person makes another working with children check (exemption) application.	16
	17
	18
176G Exemption required for police officer or registered teacher to carry on regulated business	19
	20
	21
A person who is a police officer or registered teacher must not carry on a regulated business unless—	22
	23
	24
(a) the person holds a working with children authority; or	25
	26
(b) the person has made a working with children check (exemption) application and the application has not been decided or withdrawn.	27
	28
	29
	30
Maximum penalty—500 penalty units or 5 years imprisonment.	31
	32

Note— 1
Under section 14, particular executive officers of a 2
corporation that carries on a regulated business are taken 3
to carry on the regulated business. 4

Division 4 5
Restricted persons 6
prohibited from restricted 7
employment 7

176H Definitions for division 8

In this division— 9

restricted employment means employment that is 10
not regulated employment under— 11

(a) section 156(3) or (4); or 12

(b) schedule 1, part 1, section 3(2)(b), 4(4), 13
4A(2), 5(2), 6(3)(c)(i) or 11(2)(b). 14

restricted person means a person who— 15

(a) holds a negative notice; or 16

(b) holds a working with children authority that 17
is suspended; or 18

(c) is a disqualified person and does not hold a 19
working with children authority; or 20

Note— 21

See chapter 8, part 1, division 2 and sections 223 22
and 285 for circumstances in which a disqualified 23
person may be issued a working with children 24
authority. 25

(d) has been charged with a disqualifying 26
offence the proceeding for which has not 27
ended. 28

176I Employing restricted person in restricted employment prohibited	1
	2
A person (the <i>employer</i>) must not employ, or continue to employ, another person (the <i>employee</i>) in restricted employment if—	3
	4
	5
(a) the employee is a restricted person; and	6
(b) the employer knows, or ought reasonably to know, the employee is a restricted person.	7
	8
Maximum penalty—200 penalty units or 2 years imprisonment.	9
	10
176J Restricted person prohibited from starting or continuing in restricted employment	11
	12
(1) A restricted person must not start or continue in restricted employment.	13
	14
Maximum penalty—500 penalty units or 5 years imprisonment.	15
	16
(2) However—	17
(a) if the person is a restricted person because the person holds a negative notice that was issued under chapter 8, part 5A when the person’s working with children authority was cancelled—a court may not find the person contravened subsection (1) unless the court is satisfied the person was given written notice about the issue of the negative notice; and	18
	19
	20
	21
	22
	23
	24
	25
	26
(b) if the person is a restricted person because the person’s working with children authority is suspended under chapter 8, part 5A—a court may not find the person contravened subsection (1) unless the court is satisfied the person was given written notice about the suspension.	27
	28
	29
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	33

Clause 18	Insertion of new ch 8, hdg and ch 8, pt 1, hdg	1
	After section 176J, as inserted by this Act—	2
	<i>insert—</i>	3
	Chapter 8 Working with children checks and authorities	4
		5
		6
	Part 1 Restrictions on making working with children check applications	7
		8
		9
Clause 19	Insertion of new ch 8, pt 1, div 1	10
	Chapter 8, part 1, as inserted by this Act—	11
	<i>insert—</i>	12
	Division 1 Prohibited applications	13
	176K Application by disqualified person prohibited	14
	A disqualified person must not make a working with children check application.	15
		16
	Maximum penalty—500 penalty units or 5 years imprisonment.	17
		18
	176L Application by negative notice holder prohibited	19
		20
	(1) A person who holds a negative notice must not make a working with children check application.	21
		22
	Maximum penalty—500 penalty units or 5 years imprisonment.	23
		24
	(2) However, if the person’s negative notice was	25

issued under part 5A when the person's working
with children authority was cancelled, a court
may not find the person contravened subsection
(1) unless the court is satisfied the person was
given written notice about the issue of the
negative notice.

Clause 20	Amendment of s 177 (Purpose of div 2)	7
	Section 177, from 'is eligible'—	8
	<i>omit, insert—</i>	9
	is eligible to make a working with children check application.	10 11
Clause 21	Amendment of s 178 (Application for an eligibility declaration)	12 13
	(1) Section 178(3)(a)—	14
	<i>omit, insert—</i>	15
	(a) made in the approved form and in an approved way; and	16 17
	(2) Section 178(4)—	18
	<i>omit, insert—</i>	19
	(4) The approved form must provide for the application to provide proof of the applicant's identity.	20 21 22
Clause 22	Amendment of s 180 (Chief executive's decision on eligibility application)	23 24
	(1) Section 180(2) and (3)—	25
	<i>omit, insert—</i>	26
	(2) The chief executive must decide the eligibility application as if it were a decision about a working with children check application and, for	27 28 29

	that purpose—	1
	(a) if the person is a police officer or registered teacher—part 5, division 8 applies; or	2 3
	(b) otherwise—part 4, division 9 applies.	4
(3)	The division mentioned in subsection (2) applies as if—	5 6
	(a) a reference in the division to a working with children check application were a reference to an eligibility application; and	7 8 9
	(b) a reference in the division to issuing a working with children authority were a reference to issuing an eligibility declaration; and	10 11 12 13
	(c) a reference in the division to issuing a negative notice were a reference to refusing the eligibility application.	14 15 16
(2)	Section 180(6)(c)—	17
	<i>omit, insert—</i>	18
	(c) that, if the person is not a disqualified person for another reason, the person may make a working with children check application;	19 20 21 22
Clause 23	Amendment of s 181 (Eligibility declaration taken to have been issued)	23 24
	Section 181(a) and (b)—	25
	<i>insert—</i>	26
	(a) issues a working with children authority to the person; or	27 28
	(b) cancels a negative notice issued to the person; or	29 30
	(c) decides not to cancel the person’s working with children authority under section 300.	31 32

Clause 24	Replacement of s 182 (Withdrawing eligibility application generally)	1 2
	Section 182—	3
	<i>omit, insert—</i>	4
	182 Chief executive may request further information	5 6
	(1) On receiving an eligibility application, the chief executive may give the applicant a notice asking the applicant to give the chief executive, within a reasonable stated time—	7 8 9 10
	(a) stated information that the chief executive reasonably needs to establish the applicant’s identity; or	11 12 13
	(b) stated information, including by way of a submission, about a stated matter that the chief executive reasonably believes is relevant to the application.	14 15 16 17
	(2) A request under subsection (1) must state that, if the applicant does not comply with the request within the stated time, the applicant’s application will be withdrawn.	18 19 20 21
Clause 25	Omission of ss 183 and 184	22
	Sections 183 and 184—	23
	<i>omit.</i>	24
Clause 26	Replacement of s 185 (Expiry of eligibility declaration)	25
	Section 185—	26
	<i>omit, insert—</i>	27
	185 When eligibility declaration ends	28
	(1) An eligibility declaration issued to a person remains in force until it ends under subsection (2).	29 30

	(2) An eligibility declaration issued to a person ends if, after it is issued—	1 2
	(a) the person—	3
	(i) is charged with a disqualifying offence; or	4 5
	(ii) is convicted of a serious offence; or	6
	(iii) becomes a relevant disqualified person; or	7 8
	(b) a negative notice is issued to the person; or	9
	(c) a working with children authority held by the person is cancelled.	10 11
Clause 27	Omission of ch 8, pt 4, divs 3–8	12
	Chapter 8, part 4, divisions 3 to 8—	13
	<i>omit.</i>	14
Clause 28	Insertion of new ch 8, pts 2 and 3	15
	After section 186—	16
	<i>insert—</i>	17
	Part 2	Working with children
		check applications
		18 19
	187 Who may apply	20
	(1) A person (an <i>applicant</i>) may apply to the chief executive for a working with children check.	21 22
	(2) A police officer or registered teacher (also an <i>applicant</i>) may apply to the chief executive for a working with children check for an exemption.	23 24 25

188 Form of application

- | | |
|---|----------------------|
| | 1 |
| (1) An application under this part must be— | 2 |
| (a) in the approved form; and | 3 |
| (b) made in an approved way; and | 4 |
| (c) signed by the applicant. | 5 |
| (2) A working with children check (general) application must be accompanied by the prescribed fee for the application, unless section 189 applies to the applicant. | 6
7
8
9 |
| (3) The approved form must provide for the applicant— | 10
11 |
| (a) to provide proof of the applicant’s identity; and | 12
13 |
| (b) to consent to employment screening under this chapter; and | 14
15 |
| (c) if the application is a working with children check (exemption) application—to declare that the applicant is a police officer or a registered teacher. | 16
17
18
19 |
| (4) Also, the approved form must state— | 20 |
| (a) it is an offence for a disqualified person to make a working with children check application; and | 21
22
23 |
| (b) a disqualified person may apply for an eligibility declaration which, if issued, will allow the person to make a working with children check application. | 24
25
26
27 |

189 No application fee for volunteers

- | | |
|---|----------|
| | 28 |
| (1) This section applies if the chief executive is satisfied the applicant— | 29
30 |
| (a) has an agreement with another person (the <i>employer</i>) to be employed in regulated | 31
32 |

- employment as a volunteer by the employer; 1
or 2
- (b) proposes to carry on, or to continue carrying 3
on, a regulated business other than for 4
reward. 5
- (2) The applicant is not required to pay the prescribed 6
fee for the application. 7
- 190 Chief executive may request further 8
information 9**
- (1) On receiving an application under this part, the 10
chief executive may give the applicant a notice 11
asking the applicant to give the chief executive, 12
within a reasonable stated time— 13
- (a) stated information that the chief executive 14
reasonably needs to establish the applicant’s 15
identity; or 16
- (b) stated information, including by way of a 17
submission, about a stated matter that the 18
chief executive reasonably believes is 19
relevant to the application. 20
- (2) A request under subsection (1) must state that, if 21
the applicant does not comply with the request 22
within the stated time, the applicant’s application 23
will be withdrawn. 24
- 191 Working with children authority continues in 25
force pending decision 26**
- (1) This section applies if an applicant holds a 27
working with children authority (the *current* 28
authority). 29
- (2) Despite sections 231(1) and 289(1), the current 30
authority remains in force from the day it would 31
otherwise end until the earliest of the following 32
things happens— 33

-
- (a) the application is decided or withdrawn; 1
 - (b) the current authority is cancelled; 2
 - (c) if the application is a working with children
check (exemption) application—the
applicant stops being a police officer or
registered teacher. 3
4
5
6

192 Effect of application by disqualified person 7

- (1) This section applies if the applicant is a
disqualified person. 8
9
- (2) The application has no effect. 10
- (3) The chief executive must give a notice that states
the following matters to the applicant and each
notifiable person for the applicant— 11
12
13
 - (a) the chief executive is satisfied the applicant
is a disqualified person; 14
15
 - (b) the application has no effect because the
applicant is a disqualified person; 16
17
 - (c) it is an offence for the applicant to, or to
allow the applicant to, start or continue in
regulated employment, or restricted
employment, or for the applicant to carry on
a regulated business. 18
19
20
21
22

193 Effect of application by negative notice holder 23

- (1) This section applies if the applicant holds a
negative notice. 24
25
- (2) The application has no effect. 26
- (3) The chief executive must give a notice that states
the following matters to the applicant and each
notifiable person for the applicant— 27
28
29
 - (a) the application has no effect because the
applicant holds a negative notice; 30
31

- (b) the day the negative notice was issued. 1
- (4) If the negative notice was issued to the applicant 2
because the applicant is a relevant disqualified 3
person, a notice given to the chief executive (child 4
safety) under subsection (3) must also state the 5
provision of the Act under which the negative 6
notice was issued. 7

Part 3 Withdrawal of 8 **application** 9

194 Application of part 10

This part applies to— 11

- (a) a working with children check application; 12
and 13
- (b) an eligibility application. 14

195 Notice of withdrawal 15

- (1) The chief executive withdraws an application by 16
giving the applicant a notice (a *withdrawal* 17
notice) that states the application is withdrawn. 18
- (2) The chief executive must give a withdrawal notice 19
to the applicant if, before the application is 20
decided— 21
 - (a) the applicant withdraws the application 22
under section 196; or 23
 - (b) the chief executive is permitted or required, 24
under this part, to withdraw the application. 25
- (3) If the application is a working with children check 26
application, the chief executive must also give a 27
withdrawal notice to each notifiable person for the 28
applicant. 29

- (4) A withdrawal notice must state the reason for the withdrawal. 1
2
- 196 Withdrawal by applicant** 3
- (1) The applicant may withdraw an application at any time before it is decided. 4
5
- (2) The applicant withdraws the application by giving the chief executive notice about the withdrawal. 6
7
- (3) The notice may be given orally or in writing. 8
- 197 Deemed withdrawal—identity can not be established** 9
10
- The chief executive must withdraw an application if— 11
12
- (a) the chief executive gives the applicant a notice under section 182(1)(a) or 190(1)(a) asking the applicant to provide information to establish the applicant’s identity within a stated time; and 13
14
15
16
17
- (b) the notice includes the warning mentioned in section 182(2) or 190(2); and 18
19
- (c) the applicant does not comply with the request; and 20
21
- (d) the chief executive can not establish the applicant’s identity with certainty. 22
23
- 198 Deemed withdrawal—failure to comply with particular requests** 24
25
- The chief executive may withdraw an application if— 26
27
- (a) the chief executive gives the applicant— 28

- (i) a notice under section 182(1)(b) or 190(1)(b) asking the applicant to provide stated information; or
- (ii) a notice under section 330, 332, 333, 337 or 338 asking the applicant to give the consent, or take the other action, stated in the notice; and
- (b) the notice includes a warning that, if the applicant does not comply with the notice, the application will be withdrawn; and
- (c) the person does not comply with the notice.

199 Deemed withdrawal—applicant charged with disqualifying offence etc.

- (1) The chief executive must withdraw a working with children check application if the applicant is charged with a disqualifying offence.
- (2) A withdrawal notice given under section 195 because this section applies must state that—
 - (a) for a notice given to the applicant—it is an offence for the applicant to start or continue in restricted employment; or
 - (b) for a notice given to a notifiable person for the applicant—it is an offence to employ, or continue to employ, the applicant in restricted employment.

200 Deemed withdrawal—applicant no longer police officer or registered teacher

- (1) The chief executive must withdraw a working with children check (exemption) application made by a police officer if the applicant or the police commissioner gives the chief executive a written notice that states the applicant is no longer a police officer.

	(2) The chief executive must withdraw a working with children check (exemption) application made by a registered teacher if the applicant or the college of teachers gives the chief executive a written notice that states the applicant is no longer a registered teacher.	1 2 3 4 5 6
Clause 29	Insertion of new ch 8, pt 4, hdg After chapter 8, part 3, as inserted by this Act— <i>insert—</i>	7 8 9
	Part 4 Working with children clearances	10 11
Clause 30	Amendment of ch 8, pt 4, div 9, hdg (Deciding prescribed notice application) Chapter 8, part 4, division 9, heading, ‘prescribed notice’— <i>omit.</i>	12 13 14 15
Clause 31	Replacement of ss 219 and 220 Sections 219 and 220— <i>omit, insert—</i>	16 17 18
	219 Application of division	19
	This division applies if a person made a working with children check (general) application and the application has not been withdrawn.	20 21 22
	220 Deciding application—generally	23
	(1) The chief executive must decide to approve or refuse the application under this division.	24 25
	(2) If the chief executive approves the application, the chief executive must issue a written notice that	26 27

	states the application is approved (a <i>working with children clearance</i>) to the person.	1 2
	(3) If the chief executive refuses the application, the chief executive must issue a written notice that states the application is refused (a <i>negative notice</i>) to the person.	3 4 5 6
Clause 32	Replacement of s 224 (Issuing negative notice to relevant disqualified person except because of temporary or interim order)	7 8 9
	Section 224—	10
	<i>omit, insert—</i>	11
	224 Issuing notice to relevant disqualified person	12
	The chief executive must issue a negative notice to the person if the chief executive is aware the person is a relevant disqualified person.	13 14 15
Clause 33	Amendment of s 225 (Issuing prescribed notice to other persons)	16 17
	(1) Section 225, heading—	18
	<i>omit, insert—</i>	19
	225 Deciding application—person no longer relevant disqualified person or convicted of serious offence	20 21 22
	(2) Section 225(1)(a)—	23
	<i>omit.</i>	24
	(3) Section 225(1)(b) and (c)—	25
	<i>renumber</i> as section 225(1)(a) and (b).	26
	(4) Section 225(2), ‘, (b) or (c)’—	27
	<i>omit, insert—</i>	28
	or (b)	29

- (5) Section 225(2), from ‘positive notice, the’— 1
omit, insert— 2
working with children clearance, the chief 3
executive must issue a working with children 4
clearance to the person. 5

Clause 34 Replacement of ss 230 and 231 6

Sections 230 and 231— 7

omit, insert— 8

230 Chief executive to be notified of change in particular information 9 10

(1) This section applies if, before the chief executive 11
decides the person’s application, any of the 12
following things happen (each a *relevant* 13
change)— 14

(a) the person’s name or contact details as 15
stated in the application change; 16

(b) the person’s employment, or proposed 17
employment, as stated in the application 18
changes; 19

(c) the person stops carrying on a business 20
stated in the application; 21

(d) the person no longer intends to carry on a 22
proposed business stated in the application. 23

(2) The person must give a notice, in the approved 24
form and in an approved way, about the relevant 25
change to the chief executive within 7 days after 26
the change happens. 27

Maximum penalty—10 penalty units. 28

231 Term of clearance and negative notice 29

(1) A working with children clearance has a term of 3 30

	years, unless it is cancelled earlier under part 5A.	1
	(2) A negative notice remains in force until it is cancelled under part 5A.	2 3
Clause 35	Amendment of ch 8, pt 4, div 10, hdg (Steps after prescribed notice application decided)	4 5
	Chapter 8, part 4, division 10, heading, ‘prescribed notice’— <i>omit.</i>	6 7
Clause 36	Replacement of s 232 (Application of div 10)	8
	Section 232— <i>omit, insert—</i>	9 10
	232 Application of division	11
	This division applies if the chief executive decides a person’s working with children check (general) application.	12 13 14
	232A Issuing working with children card	15
	If the chief executive issues the person a working with children clearance, the chief executive must issue a working with children card for the clearance to the person.	16 17 18 19
Clause 37	Amendment of s 234 (Notifiable person to be notified of decision)	20 21
	(1) Section 234, heading, ‘Notifiable person’— <i>omit, insert—</i>	22 23
	Persons	24
	(2) Section 234(1)— <i>omit, insert—</i>	25 26
	(1) The chief executive must give each notifiable	27

	person for the person a written notice stating whether the person was issued a working with children clearance or a negative notice.	1 2 3
(3)	Section 234, after note— <i>insert</i> —	4 5
(3)	The chief executive may also give a potential employer for the person a notice mentioned in subsection (1).	6 7 8
Clause 38	Omission of ch 8, pt 4, divs 11 and 12 Chapter 8, part 4, divisions 11 and 12— <i>omit.</i>	9 10 11
Clause 39	Replacement of ch 8, pt 5, hdg (Exemption notices) Chapter 8, part 5, heading— <i>omit, insert</i> — Part 5 Working with children exemptions	12 13 14 15 16
Clause 40	Omission of ch 8, pt 5, divs 1–7 Chapter 8, part 5, divisions 1 to 7— <i>omit.</i>	17 18 19
Clause 41	Amendment of ch 8, pt 5, div 8, hdg (Deciding exemption notice application) Chapter 8, part 5, division 8, heading, ‘exemption notice’— <i>omit.</i>	20 21 22 23

Clause 42	Replacement of ss 281 and 282	1
	Sections 281 and 282—	2
	<i>omit, insert—</i>	3
	281 Application of division	4
	This division applies if a person made a working with children check (exemption) application and the application has not been withdrawn.	5 6 7
	282 Deciding application—generally	8
	(1) The chief executive must decide to approve or refuse the application under this division.	9 10
	(2) If the chief executive approves the application, the chief executive must issue a written notice that states the application is approved (a <i>working with children exemption</i>) to the person.	11 12 13 14
	(3) If the chief executive refuses the application, the chief executive must issue a written notice that states the application is refused (a <i>negative notice</i>) to the person.	15 16 17 18
Clause 43	Replacement of s 285 (Issuing exemption notice if ss 283 and 284 do not apply)	19 20
	Section 285—	21
	<i>omit, insert—</i>	22
	285 Deciding application if ss 283 and 284 do not apply	23 24
	(1) This section applies if neither section 283 nor 284 applies to the person.	25 26
	(2) The chief executive must decide the application as if the chief executive were deciding a working with children check (general) application under part 4, division 9.	27 28 29 30
	(3) For subsection (2), sections 221 to 229 apply for	31

	making the decision as if—	1
	(a) a reference to issuing a working with children clearance were a reference to issuing a working with children exemption; and	2 3 4 5
	(b) a reference to a working with children check (general) application were a reference to a working with children check (exemption) application.	6 7 8 9
Clause 44	Replacement of ss 288 and 289	10
	Sections 288 and 289—	11
	<i>omit, insert—</i>	12
	288 Chief executive to be notified of change in particular information	13 14
	(1) This section applies if, before the chief executive decides the person’s application, any of the following things happen (each a <i>relevant change</i>)—	15 16 17 18
	(a) the person’s name or contact details as stated in the application change;	19 20
	(b) the person’s employment, or proposed employment, as stated in the application changes;	21 22 23
	(c) the person stops carrying on a business stated in the application;	24 25
	(d) the person no longer intends to carry on a proposed business stated in the application.	26 27
	(2) The person must give a notice, in the approved form and in an approved way, about the relevant change to the chief executive within 7 days after the change happens.	28 29 30 31
	Maximum penalty—10 penalty units.	32

- 289 Term of exemption and negative notice** 1
- (1) A working with children exemption has a term of 2
3 years, unless any of the following things 3
happens earlier— 4
- (a) if the holder of the exemption is a police 5
officer—the holder stops being a police 6
officer; 7
- (b) if the holder of the exemption is a registered 8
teacher—the holder stops being a registered 9
teacher; 10
- (c) the exemption is cancelled under part 5A. 11
- (2) A negative notice remains in force until it is 12
cancelled under part 5A. 13

Clause 45 Amendment of ch 8, pt 5, div 9, hdg (Steps after exemption notice application decided) 14
15

Chapter 8, part 5, division 9, heading, ‘exemption notice’— 16
omit. 17

Clause 46 Replacement of s 290 (Application of div 9) 18

Section 290— 19
omit, insert— 20

290 Application of division 21

This division applies if the chief executive 22
decides a person’s working with children check 23
(exemption) application. 24

290A Issuing working with children card for exemption 25
26

If the chief executive issues a working with 27
children exemption to the person, the chief must 28
issue a working with children card for the 29

	exemption to the person.	1
Clause 47	Omission of ch 8, pt 5, divs 10 and 11	2
	Chapter 8, part 5, divisions 10 and 11—	3
	<i>omit.</i>	4
Clause 48	Insertion of new ch 8, pt 5A	5
	Chapter 8—	6
	<i>insert—</i>	7
	Part 5A	8
	Suspension or cancellation of working with children authority	9 10
	Division 1	11
	Preliminary	
	294 Chief executive’s decisions under this part	12
	(1) This section applies if a provision of this part requires the chief executive to decide—	13 14
	(a) whether to cancel a person’s working with children authority or negative notice; or	15 16
	(b) whether it is appropriate to issue a working with children authority or negative notice to a person.	17 18 19
	(2) The chief executive must decide the matter as if it were a decision about a working with children check application and, for that purpose—	20 21 22
	(a) if the person is a police officer or registered teacher—part 5, division 8 applies; or	23 24
	(b) otherwise—part 4, division 9 applies.	25
	(3) The division mentioned in subsection (2) applies	26

-
- (2) Also, this division applies if a registered teacher holds a working with children clearance and the teacher's teacher registration is suspended under the *Education (Queensland College of Teachers) Act 2005*, section 49.

296 Chief executive must suspend authority

- (1) The chief executive must suspend the person's working with children authority by giving the person a written notice (a *suspension notice*) about the suspension.
- (2) The suspension notice must state—
- (a) the person's working with children authority is suspended; and
 - (b) the reason for the suspension; and
 - (c) how long the suspension will continue; and
 - (d) the effect of the suspension; and
 - (e) the person must return the person's working with children card to the chief executive immediately after the notice is given, unless the person has a reasonable excuse; and

Note—

See section 304O for the requirement for a person whose working with children authority is suspended to return the person's working with children card to the chief executive.

- (f) the relevant review and appeal information.

297 Notifiable persons and potential employers notified about suspension

- (1) The chief executive must give each notifiable person for the person a written notice that states—
- (a) the person's working with children authority is suspended; and

- (b) how long the suspension will continue; and 1
- (c) the effect of the suspension; and 2
- (d) it is an offence to allow the person to 3
perform work that is regulated employment 4
or restricted employment while the authority 5
is suspended; and 6
- (e) the person's employer must not terminate 7
the person's employment solely or mainly 8
because the authority is suspended. 9

Note— 10
See also sections 342, 343 and 344 for the chief 11
executive's obligation to notify other persons about the 12
suspension of a person's working with children 13
authority. 14

- (2) Also, the chief executive may give a notice 15
mentioned in subsection (1) to a potential 16
employer of the person. 17

**298 Effect of suspension of working with children 18
authority 19**

- (1) This section applies while the person's working 20
with children authority is suspended. 21

Note— 22
See also see chapter 7, part 4, division 4 for the effect of 23
the suspension of a person's working with children 24
authority in relation to restricted employment. 25

- (2) The person must not— 26
 - (a) start employment in regulated employment; 27
or 28
 - (b) if the person is employed in regulated 29
employment—perform work that is 30
regulated employment; or 31
 - (c) start or continue to carry on a regulated 32
business. 33

Maximum penalty—500 penalty units or 5 years imprisonment.	1 2
(3) A person given a notice about the suspension under section 297, 342 or 344 must not allow the person to perform work that is regulated employment.	3 4 5 6
Maximum penalty—200 penalty units or 2 years imprisonment.	7 8
(4) A person’s employer who is given a notice about the suspension under section 297 must not terminate the person’s employment solely or mainly because the person’s working with children authority is suspended.	9 10 11 12 13
<i>Note—</i>	14
See also section 356(4).	15
(5) The working with children authority remains in force even if it would otherwise expire under section 231(1) or 289(1).	16 17 18
299 When suspension of authority ends	19
The suspension of the person’s working with children authority ends if—	20 21
(a) the chief executive decides to cancel the authority under section 300; or	22 23
(b) the suspension ends under section 302; or	24
(c) the authority is otherwise cancelled under this part.	25 26
300 Chief executive’s decision about suspended notice	27 28
(1) The chief executive may decide whether to cancel the person’s working with children authority—	29 30
(a) on the chief executive’s own initiative; or	31

- (b) on the person’s application. 1
- Note—* 2
- See section 294 for how the chief executive is required 3
to decide whether to cancel a person’s working with 4
children authority. 5
- (2) However, the chief executive is not required to 6
decide a person’s application mentioned in 7
subsection (1)(b)— 8
- (a) while a charge for a disqualifying offence is 9
pending against the person; or 10
- (b) if the person has been convicted of a 11
disqualifying offence and either— 12
- (i) the period allowed for an appeal 13
relating to the person’s conviction or 14
sentence has not ended; or 15
- (ii) an appeal relating to the conviction or 16
sentence has started but has not been 17
decided; or 18
- (c) if the person is a registered teacher—while 19
the person’s teacher registration is 20
suspended under the *Education* 21
(*Queensland College of Teachers*) Act 2005, 22
section 49. 23
- 301 Chief executive decides to cancel suspended 24
notice 25**
- (1) If the chief executive decides to cancel the 26
person’s working with children authority under 27
section 300, the chief executive must— 28
- (a) cancel the authority; and 29
- (b) issue a negative notice to the person; and 30
- (c) give the person a written notice that states— 31
- (i) the decision and reasons for the 32
decision; and 33

-
- (ii) if the person has not returned the person's working with children card to the chief executive—the person must return the person's card to the chief executive immediately, unless the person has a reasonable excuse; and
- Note—*
- See section 304P for the requirement for a person whose working with children authority is cancelled to return the person's working with children card to the chief executive.
- (iii) the relevant review and appeal information; and
- (iv) unless the person is a relevant disqualified person, the circumstances in which the person may apply under section 304G for the negative notice to be cancelled; and
- (d) give each notifiable person for the person a written notice that states—
- (i) the person's authority has been cancelled; and
- (ii) the person has been issued a negative notice; and
- (iii) it is an offence to employ or continue to employ the person in regulated employment or restricted employment.
- Note—*
- See sections 342, 343 and 344 for the chief executive's obligation to notify other persons about the cancellation of a person's working with children authority.
- (2) Also, the chief executive may give a notice mentioned in subsection (1)(d) to a potential employer of the person.

302 Chief executive decides not to cancel suspended authority	1 2
(1) This section applies if the chief executive decides not to cancel the person’s working with children authority under section 300.	3 4 5
(2) The suspension of the person’s working with children authority ends.	6 7
(3) The chief executive must—	8
(a) give a written notice that states the suspension of the person’s authority has ended to—	9 10 11
(i) the person; and	12
(ii) each notifiable person for the person; and	13 14
(iii) each potential employer for the person who was given a notice about the suspension under section 297; and	15 16 17
(b) if the chief executive has the person’s working with children card and the person’s authority did not expire while the authority was suspended—return the person’s working with children card to the person; and	18 19 20 21 22 23
(c) if section 235 applied in relation to the person’s working with children application—give the advice mentioned in that section to the other executive.	24 25 26 27
<i>Note—</i>	28
See also sections 342, 343 and 344 for the chief executive’s obligation to notify other persons when the suspension of a person’s working with children authority ends.	29 30 31 32

Division 3	Cancelling working with children authority without suspension	1 2 3
303	Cancelling authority if relevant disqualified person	4 5
(1)	This section applies—	6
(a)	if a person who holds a working with children authority becomes a relevant disqualified person; and	7 8 9
(b)	whether or not the person’s authority is suspended under section 296.	10 11
(2)	The chief executive must cancel the working with children authority.	12 13
304	Cancelling authority issued because of wrong or incomplete information	14 15
	The chief executive may cancel a person’s working with children authority if the chief executive is satisfied—	16 17 18
(a)	the decision to issue the authority was based on wrong or incomplete information; and	19 20
(b)	having considered the correct or complete information, it is appropriate to issue a negative notice to the person.	21 22 23
	<i>Note—</i>	24
	See section 294 for how the chief executive is required to decide whether it is appropriate to issue a negative notice to the person.	25 26 27
304A	Cancelling authority because of subsequent information	28 29
(1)	This section applies if, after the chief executive	30

decides to issue a working with children authority 1
to a person, the chief executive becomes aware of 2
information (*further information*) that is— 3

(a) disciplinary information, or information 4
received under part 6, division 2, 3 or 4, 5
about the person that was not known to the 6
chief executive when the decision was 7
made; or 8

(b) a decision about the person made by a court 9
or tribunal after the authority was issued, 10
including the reasons for the decision. 11

(2) However, this section does not apply if the chief 12
executive is required to suspend the person’s 13
working with children authority under section 296 14
because of the further information. 15

(3) The chief executive may cancel the person’s 16
working with children authority if, after 17
considering the further information, the chief 18
executive is satisfied it is appropriate to issue a 19
negative notice to the person. 20

Note— 21

See section 294 for how the chief executive is required 22
to decide whether it is appropriate to issue a negative 23
notice to the person. 24

304B Action after decision 25

(1) If the chief executive is required, or decides, to 26
cancel a person’s working with children authority 27
under this division, the chief executive must— 28

(a) cancel the person’s authority; and 29

(b) issue a negative notice to the person; and 30

(c) give the person a written notice that states— 31

(i) the decision to cancel the authority and 32
issue the negative notice and the 33
reasons for the decision; and 34

-
- (ii) the person must return the person's working with children card to the chief executive immediately, unless the person has a reasonable excuse; and
- Note—*
- See section 304P for the requirement for a person whose working with children authority is cancelled to return the person's working with children card to the chief executive.
- (iii) the relevant review and appeal information; and
- (iv) unless the person is a relevant disqualified person, the circumstances in which the person may apply under section 304G for the negative notice to be cancelled.
- (2) If the chief executive's decision under section 304 or 304A is not to cancel the person's authority, the person's authority continues in force, subject to section 231(1) or 289(1).

304C Notifiable persons and potential employers notified about cancellation

- (1) If the chief executive cancels a person's working with children authority under this division, the chief executive must give each notifiable person for the person a written notice that states—
- (a) the person's authority has been cancelled; and
- (b) the person has been issued a negative notice; and
- (c) it is an offence to employ or continue to employ the person in regulated employment or restricted employment.

-
- (b) give the person a written notice that states— 1
- (i) the authority has been cancelled; and 2
 - (ii) the person must return the person’s 3
working with children card to the chief 4
executive immediately, unless the 5
person has a reasonable excuse; and 6
- Note—* 7
- See section 304P for the requirement for a 8
person whose working with children 9
authority is cancelled to return the person’s 10
working with children card to the chief 11
executive. 12
- (iii) it is an offence for the person to 13
perform work that is regulated 14
employment, other than as allowed 15
under section 176A or 176E; and 16
 - (iv) it is an offence for the person to carry 17
on a regulated business, other than as 18
allowed under section 176B or 176G. 19

304F Notifiable persons and potential employers 20
notified about cancellation 21

- (1) The chief executive must give a written notice to 22
each notifiable person for the person that states— 23
- (a) the person’s working with children authority 24
has been cancelled on the person’s request; 25
and 26
 - (b) it is an offence to employ, or continue to 27
employ, the person in regulated employment 28
other than as allowed under section 175 or 29
176C. 30

Note— 31

See sections 342, 343 and 344 for the chief executive’s 32
obligation to notify other persons about the cancellation 33
of a person’s working with children authority. 34

-
- (d) if the person is not a police officer or registered teacher—accompanied by the prescribed fee for the application. 1
2
3
- (2) The person may state anything in the application that the person considers is relevant to the chief executive’s decision, including, for example, a change in the person’s circumstances since the negative notice was issued. 4
5
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7
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304I Deciding application

- (1) If the chief executive decides to cancel the person’s negative notice, the chief executive must— 9
10
11
12
- (a) cancel the negative notice; and 13
- (b) give the person a notice about the cancellation. 14
15
- Note—* 16
- See section 294 for how the chief executive is required to decide an application to cancel a person’s negative notice. 17
18
19
- (2) If the chief executive decides not to cancel the person’s negative notice, the chief executive must give the person a written notice that states— 20
21
22
- (a) the application has been refused and the person’s negative notice continues in effect subject to— 23
24
25
- (i) if the person is a police officer or a registered teacher—section 289(2); or 26
27
- (ii) otherwise—section 231(2); and 28
- (b) the reasons for the chief executive’s decision to refuse the application; and 29
30
- (c) the relevant review and appeal information. 31

Division 6	Other cancellation of negative notice	1 2
304J Chief executive may act on own initiative or application		3 4
	The chief executive may decide to—	5
	(a) act under this division on the chief executive’s own initiative; or	6 7
	(b) if a person applies to cancel the person’s negative notice under section 304G—act under section 304K or 304L instead of cancelling the person’s negative notice under section 304G.	8 9 10 11 12
304K No longer relevant disqualified person		13
	(1) The chief executive may cancel a person’s negative notice if the chief executive is satisfied—	14 15 16
	(a) the negative notice was issued because the person was a relevant disqualified person; and	17 18 19
	(b) the person is no longer a relevant disqualified person.	20 21
	(2) If the chief executive decides to cancel the person’s negative notice, the chief executive may decide to substitute a working with children authority if the chief executive is satisfied it is appropriate to issue the authority to the person.	22 23 24 25 26
	<i>Note—</i>	27
	See section 294 for how the chief executive is required to decide whether it is appropriate to issue a working with children authority to a person.	28 29 30

304L Negative notice issued because of wrong or incomplete information	1 2
The chief executive may cancel a person's negative notice and substitute a working with children authority if the chief executive is satisfied—	3 4 5 6
(a) the decision to issue the negative notice was based on wrong or incomplete information; and	7 8 9
(b) having considered the correct or complete information, it is appropriate to issue a working with children authority to the person.	10 11 12 13
<i>Note—</i>	14
See section 294 for how the chief executive is required to decide whether it is appropriate to issue a working with children authority to a person.	15 16 17 18
304M Subsequent information	19
The chief executive may cancel a person's negative notice and substitute a working with children authority if—	20 21 22
(a) the chief executive becomes aware of information that was not known to the chief executive when the decision to issue the notice was made; and	23 24 25 26
(b) after considering the further information, the chief executive is satisfied it is appropriate to issue a working with children authority to the person.	27 28 29 30
<i>Note—</i>	31
See section 294 for how the chief executive is required to decide whether it is appropriate to issue a working with children authority to a person.	32 33 34 35

304N Action after making decision	1
(1) If the chief executive decides to cancel a person’s negative notice under this division, the chief executive must cancel the notice.	2 3 4
(2) If the chief executive decides under this division to substitute a working with children authority for a person’s cancelled negative notice, the chief executive must issue to the person—	5 6 7 8
(a) if the person is a police officer or registered teacher—a working with children exemption; or	9 10 11
(b) otherwise—a working with children clearance.	12 13
(3) If the chief executive decides to refuse an application mentioned in section 304J(b), the chief executive must give the person a written notice that states—	14 15 16 17
(a) the application has been refused and the person’s negative notice continues in effect subject to—	18 19 20
(i) if the person is a police officer or registered teacher—section 289(2); or	21 22
(ii) otherwise—section 231(2); and	23
(b) the reasons for the chief executive’s decision to refuse the application; and	24 25
(c) the relevant review and appeal information.	26
Division 7	
Return of working with children card	27 28
304O Requirement to return suspended card	29
(1) This section applies to a person if the chief executive gives the person a written notice that	30 31

states the person's working with children 1
authority is suspended. 2

- (2) The person must return the person's working with 3
children card for the authority to the chief 4
executive immediately after the notice is given to 5
the person, unless the person has a reasonable 6
excuse. 7

Maximum penalty—100 penalty units. 8

304P Requirement to return cancelled card 9

- (1) This section applies to a person if the chief 10
executive gives the person a written notice that 11
states the person's working with children 12
authority is cancelled. 13

- (2) The person must give the person's working with 14
children card for the authority to the chief 15
executive immediately after the chief executive 16
gives the notice, unless the person has a 17
reasonable excuse. 18

Maximum penalty—100 penalty units. 19

Clause 49 Replacement of s 310 (Application of div 2) 20

Section 310— 21

omit, insert— 22

310 Application of division 23

This division applies to a person if— 24

- (a) the person holds a working with children 25
authority; or 26
- (b) the person has made a working with 27
children check application that has not been 28
decided or withdrawn; or 29
- (c) all of the following apply— 30

- (i) the person has purported to make a working with children check application; 1
2
3
- (ii) the application has not been properly made, including, for example, because the application was not accompanied by the prescribed fee for the application; 4
5
6
7
8
- (iii) the application, as made, contains sufficient information for the chief executive to establish the person's identity with certainty; or 9
10
11
12
- (d) the person has applied, under section 300, to the chief executive to decide whether or not to cancel the person's working with children authority that is suspended and the application has not been decided; or 13
14
15
16
17
- (e) the person has applied, under section 304G, to the chief executive to cancel the person's negative notice; or 18
19
20
- (f) the person has made an eligibility application that has not been decided or withdrawn; or 21
22
23
- (g) an eligibility declaration for the person is in force; or 24
25
- (h) for a person who holds a negative notice— 26
 - (i) the person has made an application under section 309(3) or 354 that has not been decided; or 27
28
29
 - (ii) an appeal to an entity has been made in relation to an application under section 309(3) or 354 and the appeal has not been decided. 30
31
32
33

Clause 50	Replacement of s 323 (Effect of change in police information about employee)	1
		2
	Section 323—	3
	<i>omit, insert—</i>	4
	323 Notice of change in police information	5
	(1) This section applies—	6
	(a) to a person who—	7
	(i) holds a working with children authority; or	8
	(ii) has made a working with children check application; and	10
	(b) if the person becomes aware that the police information about the person has changed.	12
	(2) The person must immediately give a notice that complies with subsection (3) about the change to the chief executive.	14
	Maximum penalty—100 penalty units.	16
	(3) The notice given to the chief executive under subsection (2) must—	18
	(a) be given in the approved form and in an approved way; and	20
	(b) if the person is employed in regulated employment—include information about the employment.	22
		23
		24
Clause 51	Omission of ss 324 and 325	25
	Sections 324 and 325—	26
	<i>omit.</i>	27

Clause 52	Amendment of s 339 (Chief executive to give notice to particular entities about a change in police information)	1 2
(1)	Section 339(2)(c)— <i>omit.</i>	3 4
(2)	Section 339(3)(c), ‘or 11 or part 5, division 8 or 10’— <i>omit, insert—</i> or part 5, division 8	5 6 7
(3)	Section 339(3)(g)— <i>omit, insert—</i> (g) if the change in police information is a conviction for a serious offence, it is an offence for an employer to allow the relevant person to perform work that is regulated employment unless and until a prescribed event under section 322 happens for the person.	8 9 10 11 12 13 14 15 16
(4)	Section 339— <i>insert—</i> (4A) An employer to whom a notice is given under subsection (3) or (4) that states that the change in police information is a conviction for a serious offence must not allow the relevant person to perform work that is regulated employment unless and until a prescribed event under section 322 happens for the person. Maximum penalty—200 penalty units or 2 years imprisonment.	17 18 19 20 21 22 23 24 25 26 27
(5)	Section 339(6)— <i>omit, insert—</i> (6) In this section— employer means a person who employs a relevant person.	28 29 30 31 32

	<i>relevant person</i> means—	1
	(a) a person who holds a working with children authority, other than an authority that is suspended under section 296; or	2 3 4
	(b) a person who has made a working with children check application that has not been decided or withdrawn.	5 6 7
(6)	Section 339(4A) to (6)— <i>renumber</i> as section 339(5) to (7).	8 9
Clause 53	Insertion of new ss 344A and 344B	10
	After section 344—	11
	<i>insert</i> —	12
	344A Chief executive may give authorised entities particular information	13 14
	(1) Each of the following is an <i>authorised entity</i> for a person—	15 16
	(a) another person (the person’s <i>employer</i>) if—	17
	(i) the employer has notified the chief executive under this Act that the employer employs, or proposes to employ, the person; and	18 19 20 21
	(ii) neither the employer nor the person has notified the chief executive otherwise;	22 23
	(b) another person the chief executive accepts as an authorised representative of the person’s employer;	24 25 26
	(c) another person who is a notifiable person for the person;	27 28
	(d) an entity to whom the chief executive is required to, or may, give a working with children notice about the person under this Act.	29 30 31 32

- (2) The chief executive may give the authorised entity information about—
 - (a) a working with children check application made by the person;
 - (b) a working with children authority or negative notice held by the person;
 - (c) a working with children notice about the person given, or required to be given, to the authorised entity under this Act.
- (3) The chief executive may give the information under subsection (2) by allowing the authorised entity to access the information electronically.
- (4) In this section—

working with children notice, about a person, means a notice that relates to—

 - (a) a working with children check application made by the person; or
 - (b) a working with children authority or negative notice held by the person.

344B Use of information obtained under s 344A about a person

- (1) This section applies to a person who is given, or accesses, information about a person under section 344A.
- (2) The person must not use the information, or disclose or give access to the information to anyone else, unless the use, disclosure or giving of access is allowed under subsection (3).

Maximum penalty—100 penalty units.
- (3) The person may use the information, or disclose or give access to the information to another person, if the use, disclosure or giving of access—

-
- (a) is to identify, assess or monitor a risk, or potential risk, to the safety or welfare of a child in relation to the regulated employment of the person to whom the information relates; or
- (b) is to establish whether or not the person to whom the information relates—
- (i) has made a working with children check application; or
- (ii) holds a working with children authority or a negative notice; or
- (c) is to comply with an obligation under this Act; or
- (d) happens with the consent of the person to whom the information relates; or
- (e) if the person, or an entity that employs or engages the person, is required by a privacy law to comply with information privacy principles—complies with the information privacy principles; or
- (f) is required for a proceeding in a court or tribunal; or
- (g) is authorised under a regulation or another law.
- (4) Subsection (3)(e) applies despite the operation of the *Information Privacy Act 2009*, section 7(2).
- (5) In this section—
- information privacy principles*** means—
- (a) the Australian Privacy Principles under the *Privacy Act 1988* (Cwlth); or
- (b) the privacy principles or National Privacy Principles under the *Information Privacy Act 2009*.

	<i>privacy law</i> means—	1
	(a) the <i>Privacy Act 1988</i> (Cwlth); or	2
	(b) the <i>Information Privacy Act 2009</i> .	3
Clause 54	Amendment of ch 8, pt 7, hdg (Miscellaneous provisions about prescribed notices and exemption notices)	4
	Chapter 8, part 7, heading, from ‘about’—	5
	<i>omit</i> .	6
Clause 55	Replacement of ch 8, pt 7, div 1 (Replacement notice)	7
	Chapter 8, part 7, division 1—	8
	<i>omit, insert—</i>	9
	Division 1 Replacement card	10
	347 Replacement of lost or stolen card	11
	(1) If a person’s working with children card is lost or stolen (the <i>lost or stolen card</i>), the person must, within 14 days after the loss or theft—	12
	(a) give the chief executive a notice about the loss or theft in the approved form and in an approved way; and	13
	(b) either—	14
	(i) apply for a replacement card; or	15
	(ii) ask the chief executive under section 304D to cancel the person’s working with children authority.	16
	Maximum penalty—10 penalty units.	17
	(2) An application under subsection (1)(b)(i) must be—	18
		19
		20
		21
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-
- (a) made in the approved form and in an approved way; and 1
2
- (b) accompanied by the prescribed fee for the application. 3
4
- (3) The chief executive must— 5
- (a) cancel the lost or stolen card; and 6
- (b) if the person applied for a replacement card under subsection (1)(b)(i)—issue a replacement working with children card to the person. 7
8
9
10
- (4) The chief executive must give written notice about the loss or theft of the lost or stolen card to the police commissioner. 11
12
13
- Note—* 14
- See section 348A for the person’s obligation to return the replaced card to the chief executive. 15
16

348 Replacement card for change of name or contact details 17
18

- (1) This section applies to— 19
- (a) a person who holds a working with children authority; or 20
21
- (b) a person who holds a negative notice if the person has applied for the notice to be cancelled and the application has not been decided or withdrawn. 22
23
24
25
- (2) If the person does any of the following (each a *relevant change*), the person must give the chief executive a notice, in the approved form and in an approved way, about the relevant change within 14 days after it happens— 26
27
28
29
30
- (a) changes a name the person has previously given to the chief executive; 31
32

(b)	starts to use a different name to the name or names the person has given to the chief executive;	1 2 3
(c)	changes contact details previously given to the chief executive.	4 5
	Maximum penalty—10 penalty units.	6
(3)	If the chief executive considers it is appropriate to do so, the chief executive may issue a replacement working with children card to the person.	7 8 9
(4)	If the chief executive issues a replacement working with children card to the person, the chief executive must cancel the person’s previously held card.	10 11 12 13
348A Requirement to return replaced card		14
(1)	This section applies to a person who holds a working with children card (the <i>replaced card</i>) if the chief executive issues the person a further working with children card.	15 16 17 18
(2)	The person must give the replaced card to the chief executive within 7 days after the further working with children card is issued, unless the person has a reasonable excuse.	19 20 21 22
	Maximum penalty—10 penalty units.	23
Division 1A	Change in regulated employment or regulated business	24 25 26
349 Holder must notify change of regulated employment or regulated business		27 28
(1)	This section applies if a person who holds a working with children authority that is not	29 30

suspended makes any of the following changes—	1
(a) the person ends regulated employment or changes the person's employment and the new employment is regulated employment;	2 3 4
(b) the person stops carrying on a regulated business;	5 6
(c) the person starts carrying on another regulated business other than the regulated business the person was carrying on, or proposing to carry on, when the authority was issued.	7 8 9 10 11
(2) The person must give the chief executive a notice about the change, in the approved form and in an approved way, within 14 days after the change happens.	12 13 14 15
Maximum penalty—10 penalty units.	16
350 Holder must notify change and pay prescribed application fee—volunteer or business carried on other than for financial reward	17 18 19
(1) This section applies if—	20
(a) a person holds a working with children clearance that is not suspended; and	21 22
(b) during the term of the clearance, the person is or was—	23 24
(i) employed in regulated employment only as a volunteer; or	25 26
(ii) carrying on a regulated business on a not-for-profit basis and not otherwise carrying on a regulated business; and	27 28 29
(c) either of the following changes happens—	30
(i) the person becomes employed in regulated employment other than as a volunteer;	31 32 33

- (ii) the person starts carrying on a regulated business for financial reward. 1
2
- (2) The person must, within 14 days after the change happens— 3
4
- (a) give the chief executive a notice, in the approved form and in an approved way, about the change; and 5
6
7
- (b) if the person is required to pay the prescribed application fee under subsection (3)—pay the prescribed application fee to the chief executive. 8
9
10
11
- Maximum penalty—10 penalty units. 12
- (3) The person must pay the prescribed application fee if the working with children check (general) application in relation to which the working with children clearance was issued was made on the basis that the person was— 13
14
15
16
17
- (a) employed, or to be employed, in regulated employment as a volunteer; or 18
19
- (b) carrying on, or proposing to carry on, a regulated business on a not-for-profit basis. 20
21
- (4) If the chief executive considers it is appropriate to do so, the chief executive may issue a replacement working with children card to the person. 22
23
24
- (5) If the chief executive issues a replacement working with children card, the chief executive must cancel the previously held card. 25
26
27
- Note—* 28
- See section 348A for the person’s obligation to return the replaced card to the chief executive. 29
30
- (6) In this section— 31
- not-for-profit basis***, for carrying on a regulated business, means the business is carried on other than for financial reward. 32
33
34

-
- prescribed application fee* means the prescribed fee for a working with children check (general) application made by a person for—
- (a) for a person who gives a notice under subsection (2) for a change mentioned in subsection (1)(c)(i)—employment in regulated employment other than as a volunteer; or
 - (b) for a person who gives a notice under subsection (2) for a change mentioned in subsection (1)(c)(ii)—carrying on a regulated business for financial reward.

Division 1B Holder of working with children exemption stops being police officer or registered teacher

350A Holder and notifiable persons notified about expiry of working with children exemption

- (1) This section applies if a person who holds a working with children exemption—
 - (a) if the person was a police officer when the exemption was issued—stops being a police officer; or
 - (b) if the person was a registered teacher when the exemption was issued—stops being a registered teacher, including because the person’s registration is suspended under the *Education (Queensland College of Teachers) Act 2005*, section 48 or 49.
- (2) The chief executive must give the person a written notice that states—

- (a) the term of the person's working with children exemption has ended under section 289(1); and
 - (b) the person must immediately return the person's working with children card to the chief executive; and
 - (c) the person may make a working with children check (general) application, unless the person is a disqualified person.
- (3) The person must give the person's working with children card to the chief executive immediately after the chief executive gives the notice, unless the person has a reasonable excuse.
- Maximum penalty—10 penalty units.
- (4) The chief executive must give each notifiable person for the person a written notice that states the term of the person's working with children exemption has ended because the person is no longer a police officer or registered teacher.
- 350B Effect of negative notice if holder no longer police officer or registered teacher**
- (1) This section applies if a person who holds a negative notice—
- (a) if the person was a police officer when the negative notice was issued—stops being a police officer; or
 - (b) if the person was a registered teacher when the negative notice was issued—stops being a registered teacher, including because the person's registration is suspended under the *Education (Queensland College of Teachers) Act 2005*, section 48 or 49.
- (2) The person's negative notice continues in effect as if it were a notice issued under section 220(2).

Clause 56	Replacement of s 351 (False or misleading disclosure)	1
	Section 351—	2
	<i>omit, insert—</i>	3
	351 False or misleading disclosure	4
	A person must not state anything to the chief executive for chapter 7 or this chapter that the person knows is false or misleading in a material particular.	5 6 7 8
	Maximum penalty—100 penalty units or 2 years imprisonment.	9 10
Clause 57	Amendment of s 352 (False or misleading documents)	11
	Section 352(1), after ‘document for’—	12
	<i>insert—</i>	13
	chapter 7 or	14
Clause 58	Insertion of new s 354A	15
	After section 354—	16
	<i>insert—</i>	17
	354A Stay of operation of particular decisions on application for review	18 19
	(1) This section applies to a decision of QCAT, on an application for a review of a chapter 8 reviewable decision under section 354, to set aside an exceptional case decision.	20 21 22 23
	(2) QCAT’s decision does not take effect until—	24
	(a) the end of the period within which an appeal against QCAT’s decision may be started; or	25 26
	(b) if an appeal against QCAT’s decision is started—the appeal is decided or withdrawn.	27 28
	(3) This section applies despite the QCAT Act,	29

	sections 145 and 152.	1
	(4) In this section—	2
	<i>exceptional case decision</i> means a decision of the chief executive as to whether or not there is an exceptional case for a person if, because of the decision, the chief executive—	3 4 5 6
	(a) issued a negative notice to the person; or	7
	(b) refused to cancel the person’s negative notice.	8 9
Clause 59	Amendment of s 357 (Disqualification order)	10
	(1) Section 357(2)(a) and (b)—	11
	<i>omit, insert—</i>	12
	(a) the person may not hold a working with children authority, or make a working with children check application, for a stated period; or	13 14 15 16
	(b) the person may never hold a working with children authority or make a working with children check application.	17 18 19
	(2) Section 357(3), ‘positive notice or positive exemption notice’—	20 21
	<i>omit, insert—</i>	22
	working with children authority	23
Clause 60	Replacement of ch 8A (Criminal history checks, and assessing suitability, of persons employed in the department)	24 25 26
	Chapter 8A—	27
	<i>omit, insert—</i>	28

Chapter 8A Register of regulated persons who provide home-based care services 1
2
3
4

Part 1 Preliminary 5

357A Definitions for chapter 6

In this chapter— 7

associated adult, of a regulated person for a home-based care service, see section 357D. 8
9

authorised user see section 357E. 10

foster or kinship care see section 357B(a). 11

home-based care service see section 357B. 12

home-based family day care service see section 357B(b). 13
14

home-based stand-alone care service see section 357B(c). 15
16

register means the register kept under section 357F. 17
18

regulated person see section 357C. 19

357B Meaning of *home-based care service* 20

Each of the following services is a *home-based care service*— 21
22

- (a) care provided to a child by an approved foster carer, or approved kinship carer, under the *Child Protection Act 1999* (*foster or kinship care*); 23
24
25
26

- (b) care provided to a child as part of a family day care service provided in a family day care residence (*home-based family day care service*); 1
2
3
4
- (c) a stand-alone service provided to a child in the home of a carer in relation to the service (*home-based stand-alone care service*). 5
6
7

357C Meaning of *regulated person* 8

A person is a *regulated person* for a home-based care service if the person is— 9
10

- (a) for foster or kinship care—the approved foster carer, or approved kinship carer, under the *Child Protection Act 1999* who provides the care; or 11
12
13
14
- (b) for a home-based family day care service—a family day care educator, or family day care educator assistant, under the Education and Care Services National Law (Queensland) who provides the service; or 15
16
17
18
19
- (c) for a home-based stand-alone care service—the carer, or a staff member, in relation to the service. 20
21
22

357D Meaning of *associated adult of a regulated person* 23
24

A person is an *associated adult* of a regulated person for a home-based care service if the person is— 25
26
27

- (a) for a regulated person who is an approved foster carer or approved kinship carer under the *Child Protection Act 1999*—an adult member of the carer’s household under that Act; or 28
29
30
31
32

-
- (b) for a regulated person who is a family day care educator or family day care educator assistant under the Education and Care Services National Law (Queensland) for a home-based family day care service—an adult occupant of the family day care residence from which the service is provided; or 1
2
3
4
5
6
7
8
- (c) for a regulated person who is a carer or staff member for a home-based stand-alone care service—an adult occupant of the home from which the service is provided. 9
10
11
12

357E Who is an *authorised user* 13

- Each of the following is an *authorised user*— 14
- (a) the chief executive (child safety); 15
- (b) the chief executive (education and care); 16
- (c) the police commissioner; 17
- (d) a police officer; 18
- (e) the public guardian under the *Public Guardian Act 2014*; 19
20
- (f) a person appointed under the *Public Guardian Act 2014*, section 109 as— 21
22
- (i) a community visitor (child); or 23
- (ii) both a community visitor (adult) and a community visitor (child); or 24
25
- (iii) a child advocacy officer; 26
- (g) an appropriately qualified public service employee authorised to access the register by the chief executive or a person mentioned in paragraph (a), (b) or (e); 27
28
29
30
- (h) an appropriately qualified staff member under the *Police Service Administration Act* 31
32

1990 authorised to access the register by the
police commissioner. 1
2

Part 2 Register 3

357F Register of regulated persons who provide home-based care service to children 4 5

- (1) The chief executive must keep an up-to-date
register of regulated persons who provide a
home-based care service. 6
7
8
- (2) The purpose of the register is to promote the
safety of children by enabling authorised users to
access up-to-date information about— 9
10
11
 - (a) a regulated person who provides a
home-based care service; and 12
13
 - (b) each person who is an associated adult of
the regulated person for the home-based
care service. 14
15
16
- (3) The chief executive may keep the register in the
form the chief executive considers appropriate. 17
18

357G Contents of the register 19

- (1) The register must contain the following
information, to the extent the information is
known by the chief executive, about each
regulated person for a home-based care service— 20
21
22
23
 - (a) the information that is reasonably necessary
to identify and contact the person, including,
for example— 24
25
26
 - (i) full name and any former names or
aliases; 27
28
 - (ii) contact details; 29
 - (iii) date and place of birth; 30

-
- (b) the type of each home-based care service for which the person is, or has been, a regulated person; 1
2
3
- (c) information about a working with children check application made by the person; 4
5
- (d) information about a working with children authority the person holds or previously held; 6
7
8
- (e) information about an associated adult of the person, including the information mentioned in paragraphs (a), (c) and (d) about the adult; 9
10
11
12
- (f) other information prescribed by regulation about— 13
14
- (i) the person; or 15
- (ii) a home-based care service for which the person is, or has been, a regulated person; or 16
17
18
- (iii) an associated adult of the person for a home-based care service mentioned in subparagraph (ii). 19
20
21
- (2) The register may also contain— 22
- (a) information mentioned in subsection (1) about a person who was, but is no longer— 23
24
- (i) a regulated person for a home-based care service; or 25
26
- (ii) an associated adult of a regulated person for a home-based care service; 27
28
and 29
- (b) other information the chief executive considers appropriate— 30
31
- (i) to ensure the register is accurate, comprehensive and usable; or 32
33

- (ii) for the effective and efficient operation of the register. 1
2

357H Access to register 3

The chief executive may allow an authorised user to access information in the register. 4
5

357I Use, disclosure and giving of access to confidential information 6
7

- (1) This section applies to a person— 8
 - (a) who is, or has been, an authorised user and, in that capacity was given, or given access to, confidential information in the register; or 9
10
11
12
 - (b) who is given, or given access to, confidential information in the register by a person mentioned in paragraph (a). 13
14
15
- (2) The person must not use the information, or disclose or give access to the information to anyone else, unless the use, disclosure or giving of access is allowed under subsection (3). 16
17
18
19
Maximum penalty—100 penalty units. 20
- (3) The person may use the information, or disclose or give access to the information to another person, if the use, disclosure or giving of access— 21
22
23
 - (a) is to identify, assess or monitor a risk, or potential risk, to the safety or welfare of a child being provided care through a home-based care service; or 24
25
26
27
 - (b) is to establish whether or not a regulated person— 28
29
 - (i) has made a working with children check application; or 30
31

	(ii) holds a working with children authority; or	1 2
	(c) is to assess a person's suitability to be—	3
	(i) a regulated person for a home-based care service; or	4 5
	(ii) an associated adult of a regulated person for a home-based care service; or	6 7 8
	(d) is reasonably required to discharge a function under a law; or	9 10
	(e) is required for a proceeding in a court or tribunal; or	11 12
	(f) is authorised under a regulation or another law; or	13 14
	(g) is related to the operation of the register, including, for example, auditing access to the information in the register.	15 16 17
Clause 61	Replacement of s 375 (Positive notice blue card is evidence of holding positive notice)	18 19
	Section 375—	20
	<i>omit, insert—</i>	21
	375 Working with children card is evidence of authority	22 23
	(1) A working with children card issued to a person other than a police officer or registered teacher is evidence that the person holds a working with children clearance.	24 25 26 27
	(2) A working with children card issued to a police officer or registered teacher is evidence that the police officer or teacher holds a working with children authority.	28 29 30 31

Clause 62	Amendment of s 377 (Indictable and summary offences)	1
	Section 377(1)—	2
	<i>omit, insert—</i>	3
	(1) An offence against this Act is an indictable offence, and a crime, if the maximum penalty for the offence is—	4
	(a) 500 penalty units or more; or	5
	(b) 5 years imprisonment or more.	6
Clause 63	Amendment of s 378 (Proceedings for indictable offences)	9
	(1) Section 378(2)(a) and (b)—	10
	<i>omit, insert—</i>	11
	(a) the magistrate is satisfied, at any stage of the hearing and after hearing any submissions by the prosecution and defence, that because of the nature or seriousness of the offence or any other relevant consideration the defendant, if convicted, may not be adequately punished on summary conviction; or	12
	(b) the magistrate is satisfied, on an application made by the defence, that because of exceptional circumstances the offence should not be heard and decided summarily.	13
	(2) Section 378(4), ‘150 penalty units or 2 years imprisonment’—	14
	<i>omit, insert—</i>	15
	100 penalty units or 3 years imprisonment	16
Clause 64	Replacement of s 384 (Confidentiality of information about criminal history or related information)	17
	Section 384—	18
		19
		20
		21
		22
		23
		24
		25
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		27
		28
		29
		30

omit, insert—

**384 Confidentiality of police, disciplinary and
mental health information**

- (1) This section applies to a person who—
- (a) is or has been a public service employee employed in the department; and
 - (b) in that capacity, was given, or given access to, a document containing—
 - (i) information about another person’s police information; or
 - (ii) disciplinary information about another person; or
 - (iii) information about another person’s mental health, including, for example, information about a proceeding in the Mental Health Court or the Mental Health Review Tribunal about the person.
- (2) Also, this section applies to a person who is or has been—
- (a) the Minister and, in that capacity, received a report under section 395 that contains information mentioned in subsection (1)(b); or
 - (b) a member of the Minister’s staff and, in that capacity, was given, or given access to, a report or information mentioned in paragraph (a).
- (3) The person must not use the information, or disclose or give access to the information to anyone else, unless the use, disclosure or giving or access is allowed under subsection (4).
- Maximum penalty—100 penalty units or 2 years imprisonment.

- (4) The person may use the information, or disclose or give access to the information to another person if the use, disclosure or giving of access—
 - (a) is for the purpose of an employment-screening decision; or
 - (b) is for the purpose of obtaining advice for, or giving advice to the Minister, in relation to the information; or
 - (c) happens with the consent of the person to whom the information relates; or
 - (d) is permitted under section 395; or
 - (e) is otherwise required under a law.

Clause 65 Insertion of new s 398A 13

After section 398— 14

insert— 15

398A Chief executive may arrange for use of information system 16
17

- (1) The chief executive may approve a system (an *information system*) for—
 - (a) generating, sending, receiving, storing or otherwise processing electronic communications between the chief executive and another person; or
 - (b) generating a decision of the chief executive, other than—
 - (i) a decision about whether or not there is an exceptional case for a person; or
 - (ii) another decision prescribed by regulation.
- (2) The chief executive must take all reasonable steps to ensure that a decision generated by an information system is correct. 30
31
32

	(3)	A decision generated by an information system is taken to be a decision made by the chief executive.	1 2 3
	(4)	The chief executive may make a decision in substitution for a decision the chief executive is taken to have made under subsection (3) if the chief executive is satisfied that the decision generated by the information system is incorrect.	4 5 6 7 8
Clause 66	Insertion of new ch 11, pt 19		9
	Chapter 11—		10
	<i>insert—</i>		11
	Part 19	Transitional provisions for Working with Children (Risk Management and Screening) and Other Legislation Amendment Act 2018	12 13 14 15 16 17 18
	Division 1	Preliminary	19
	549 Definitions for part		20
	In this part—		21
	<i>amended Act</i> means this Act as in force after the commencement of the section in which the term is used.		22 23 24
	<i>amendment Act</i> means the <i>Working with Children (Risk Management and Screening) and Other Legislation Amendment Act 2018</i> .		25 26 27

Division 2	Application of particular provisions before changes to employment screening	1 2 3
550 Particular references in ch 8A during transition period		4 5
	From the commencement of this section until the commencement of the amendment Act, section 28—	6 7 8
	(a) a reference in chapter 8A to a working with children check application is taken to—	9 10
	(i) be a reference to a prescribed notice application or an exemption notice application; and	11 12 13
	(ii) include a reference to an application mentioned in subparagraph (i) that was decided, withdrawn or taken to have been withdrawn before the commencement; and	14 15 16 17 18
	(b) a reference in chapter 8A to a working with children authority is taken to be a reference to a positive notice or a positive exemption notice.	19 20 21 22
551 Stay of operation of particular decisions of QCAT		23 24
	(1) Section 354A applies to a decision of QCAT mentioned in that section made after the commencement, even if the proceeding for the review started before the commencement.	25 26 27 28
	(2) A reference in section 354A to a negative notice is taken to include a reference to a negative exemption notice.	29 30 31

- 552 New regulated employment** 1
- (1) This section applies if, immediately before the commencement— 2
3
- (a) a person was employed in employment, or 4
was continuing in employment, mentioned 5
in schedule 1, section 4(2); and 6
- (b) the employee does not have a current 7
positive notice or positive exemption notice. 8
- (2) Sections 188 and 251 do not apply in relation to 9
the person until— 10
- (a) 3 months after the commencement; or 11
- (b) if a prescribed notice application or 12
exemption notice application is made about 13
the person within the period mentioned in 14
paragraph (a)—the application is decided or 15
withdrawn. 16

Division 3 New disqualifying offences 17

- 553 Definitions for division** 18
- In this division— 19
- new disqualified person* means a person who is a 20
disqualified person only because— 21
- (a) the person has a conviction for a new 22
disqualifying offence; or 23
- (b) the person is the respondent to an 24
application for an offender prohibition order 25
under the Offender Reporting Act. 26
- new disqualifying offence* means an offence 27
that— 28
- (a) is a disqualifying offence; but 29

- (b) was not a disqualifying offence immediately before the commencement. 1
2
- new relevant disqualified person*** means a person 3
who is a relevant disqualified person only 4
because— 5
- (a) the person has a conviction for a new 6
disqualifying offence for which an 7
imprisonment order was imposed; or 8
- (b) the person is the respondent to an 9
application for an offender prohibition order 10
under the Offender Reporting Act. 11

**554 Effect of conviction or charge for new 12
disqualifying offence 13**

- (1) For applying section 169(1)(a) or 170(a) in 14
relation to a person convicted of a new 15
disqualifying offence, it is immaterial as to when 16
the offence was committed or when the person 17
was convicted of the offence. 18
- (2) This Act applies in relation to a person who is 19
charged with a new disqualifying offence even if 20
the charge, or the acts or omissions constituting 21
the alleged offence, happened before the 22
commencement. 23
- (3) For applying this Act to a current positive notice 24
or current positive exemption notice held by a 25
person immediately before the commencement, if 26
the context permits or requires— 27
- (a) a person convicted of a new disqualifying 28
offence before the commencement is taken 29
to have been convicted of the offence on the 30
commencement; and 31
- (b) a person the subject of a charge for a new 32
disqualifying offence that has not been dealt 33
with on the commencement is taken to have 34

been charged with the offence on the 1
commencement. 2

555 Existing eligibility application 3

- (1) This section applies if, immediately before the 4
commencement— 5
- (a) an eligibility application had not been 6
decided or withdrawn; or 7
- (b) an application mentioned in section 186(2) 8
had not been decided. 9
- (2) The application must be decided under the 10
amended Act. 11

**556 Expiry of eligibility declaration for new 12
disqualifying offence 13**

An eligibility declaration in force for a person 14
immediately before the commencement ends if, 15
on the commencement— 16

- (a) the person is a new disqualified person, 17
whether or not the person is also a new 18
relevant disqualified person; or 19
- (b) the person is the subject of a charge for a 20
new disqualifying offence that has not been 21
dealt with. 22

**557 Existing prescribed notice applications and 23
exemption notice applications 24**

- (1) This section applies if— 25
- (a) immediately before the commencement, a 26
prescribed notice application or an 27
exemption notice application made about a 28
person had not been decided or withdrawn; 29
and 30

- (b) on the commencement, either—
 - (i) the person is a new disqualified person, whether or not the person is also a new relevant disqualified person; or
 - (ii) the person is the subject of a charge for a new disqualifying offence that has not been dealt with.
- (2) The person’s application is taken to be withdrawn.
- (3) The chief executive must give a written notice about the withdrawal to—
 - (a) the person; and
 - (b) each notifiable person for the person; and
 - (c) if the person is the director of a school’s governing board—the accreditation board.

558 Cancelling positive notice or positive exemption notice held by new disqualified person

- (1) This section applies if—
 - (a) immediately before the commencement, a person held a current positive notice or a current positive exemption notice; and
 - (b) on the commencement, the person is a new disqualified person but not a new relevant disqualified person.
- (2) The chief executive may cancel the person’s positive notice and substitute a negative notice if the chief executive is satisfied that, if the chief executive were to decide a new prescribed notice application about the person under the amended Act, the chief executive would issue a negative notice to the person.
- (3) Section 237(2) to (6) applies to a decision under

-
- subsection (2). 1
- (4) The chief executive may cancel the person's 2
positive exemption notice and substitute a 3
negative exemption notice if the chief executive is 4
satisfied that, if the chief executive were to decide 5
a new exemption notice application about the 6
person under the amended Act, the chief 7
executive would issue a negative exemption 8
notice to the person. 9
- (5) Section 295(2) to (6) applies to a decision under 10
subsection (4). 11
- 559 Existing application to cancel negative notice 12
or negative exemption notice 13**
- (1) This section applies if, immediately before the 14
commencement— 15
- (a) an application under section 236 to cancel a 16
person's negative notice had not been 17
decided or withdrawn; or 18
- (b) an application under section 294 to cancel a 19
person's negative exemption notice had not 20
been decided or withdrawn. 21
- (2) If the person is a new relevant disqualified 22
person— 23
- (a) the application is taken to be withdrawn; 24
and 25
- (b) the chief executive must give a written 26
notice about the withdrawal to the person. 27
- (3) If the person is not a new relevant disqualified 28
person, the amended Act applies for deciding the 29
application. 30

560 Existing application to cancel suspended positive notice or positive exemption notice	1
	2
(1) This section applies if, immediately before the commencement—	3
	4
(a) an application under section 241 or 243 to cancel a person’s suspended positive notice had not been decided or withdrawn; or	5
	6
	7
(b) an application under section 299 to cancel a person’s suspended positive exemption notice had not been decided or withdrawn.	8
	9
	10
(2) The amended Act applies for deciding the application.	11
	12
561 Undecided reviews and appeals by new disqualified persons	13
	14
(1) This section applies if—	15
(a) a person is a new disqualified person; and	16
(b) immediately before the commencement—	17
(i) an application, made by the person under section 354, for a review of a chapter 8 reviewable decision had not been decided or withdrawn; or	18
	19
	20
	21
(ii) an appeal, started by the person under the QCAT Act, against a decision of QCAT relating to a chapter 8 reviewable decision had not been decided or withdrawn.	22
	23
	24
	25
	26
(2) The application or appeal, and any proceeding in relation to the application or appeal, must be dismissed.	27
	28
	29
(3) Subsection (2) applies to a proceeding before QCAT even if the dismissal would be contrary to a direction of the Court of Appeal.	30
	31
	32

562 Review of chapter 8 reviewable decision about new disqualified person	1 2
(1) This section applies if—	3
(a) a person is a new disqualified person; and	4
(b) before the commencement—	5
(i) the chief executive made a chapter 8 reviewable decision about the person; and	6 7 8
(ii) the person had not applied for a review of the decision under section 354.	9 10
(2) The amended Act applies for the chapter 8 reviewable decision.	11 12
<i>Note—</i>	13
A disqualified person may not apply for a review of a chapter 8 reviewable decision. See section 354(1).	14 15
563 Appeal by new disqualified person against QCAT decision	16 17
(1) This section applies if—	18
(a) a person is a new disqualified person; and	19
(b) before the commencement, the person had a right to appeal, under the QCAT Act, against a decision of QCAT relating to a chapter 8 reviewable decision about the person; and	20 21 22 23
(c) on the commencement, the time for starting an appeal had not ended.	24 25
(2) Any appeal started by the person against the decision must be dismissed.	26 27
(3) If a proceeding in relation to the appeal is before QCAT, subsection (2) applies even if the dismissal would be contrary to a direction of the Court of Appeal.	28 29 30 31

564 Existing appeal by chief executive against QCAT decision	1 2
(1) This section applies if—	3
(a) a person is a new disqualified person; and	4
(b) immediately before the commencement, an appeal against a decision of QCAT relating to a chapter 8 reviewable decision about the person started by the chief executive under the QCAT Act had not been decided or withdrawn.	5 6 7 8 9 10
(2) The court or tribunal hearing the appeal must apply the amended Act in relation to the subject matter of the appeal.	11 12 13
(3) In deciding the appeal, the court or tribunal must consider that, if the person was a disqualified person when the chief executive made the chapter 8 reviewable decision, the person would not have been permitted to apply for a review of the chapter 8 reviewable decision.	14 15 16 17 18 19
565 Existing right of appeal by chief executive against QCAT decision	20 21
(1) This section applies if—	22
(a) a person is a new disqualified person; and	23
(b) before the commencement, the chief executive had a right to appeal, under the QCAT Act, against a decision of QCAT relating to a chapter 8 reviewable decision about the person; and	24 25 26 27 28
(c) on the commencement, the time for starting the appeal had not ended.	29 30
(2) The chief executive may start an appeal under the amended Act even though the person is a disqualified person.	31 32 33

- (3) The court or tribunal hearing an appeal started under subsection (2) must apply the amended Act in relation to the subject matter of the appeal. 1
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- (4) In deciding the appeal, the court or tribunal must consider that, if the person was a disqualified person when the chief executive made the chapter 8 reviewable decision, the person would not have been permitted to apply for a review of the chapter 8 reviewable decision. 4
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Division 4 Changes to employment screening 10 11

Subdivision 1 Preliminary 12

566 Definitions for division 13

In this division— 14

amended, for a provision of this Act, means as in force after the commencement of the section in which the provision is mentioned. 15
16
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current— 18

(a) for a prescribed notice—means current under previous section 231; or 19
20

(b) for an exemption notice—means current under previous section 289. 21
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exemption notice see previous schedule 7, definition *exemption notice*. 23
24

exemption notice application see previous schedule 7, definition *exemption notice application*. 25
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27

negative exemption notice see previous schedule 7, definition *negative exemption notice*. 28
29

<i>negative prescribed notice</i> means a negative notice issued under previous section 220(b).	1 2
<i>positive exemption notice</i> see previous schedule 7, definition <i>positive exemption notice</i> .	3 4
<i>positive notice</i> see previous schedule 7, definition <i>positive notice</i> .	5 6
<i>positive notice blue card</i> see previous schedule 7, definition <i>positive notice blue card</i> .	7 8
<i>prescribed notice</i> see previous schedule 7, definition <i>prescribed notice</i> .	9 10
<i>prescribed notice application</i> see previous schedule 7, definition <i>prescribed notice application</i> .	11 12 13
<i>previous</i> , for a provision of this Act, means as in force before the commencement of the provision in which the term is used.	14 15 16

Subdivision 2 Existing eligibility declarations, prescribed notices, exemption notices and related applications	17 18 19 20
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567 Existing eligibility application or eligibility declaration	21 22
(1) The amended Act applies for deciding an eligibility application that, immediately before the commencement, had not been decided or withdrawn.	23 24 25 26
(2) An eligibility declaration that, immediately before the commencement, was in force for a person continues in effect subject to amended section 185.	27 28 29 30

568 Existing prescribed notice application

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| | 1 |
| (1) This section applies if, immediately before the commencement, a prescribed notice application for a person had been made but not decided, withdrawn or taken to have been withdrawn. | 2
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| (2) The application is taken to be a working with children check (general) application. | 6
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| (3) The amended Act applies for deciding the application. | 8
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| (4) Subsection (5) applies if— | 10 |
| (a) the person is not a police officer or registered teacher; and | 11
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| (b) immediately before the commencement, the person was employed in regulated employment under previous chapter 8, part 4 on the basis the prescribed notice application had been made but not decided, withdrawn or taken to have been withdrawn; and | 13
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19 |
| (c) the person does not hold a negative notice or negative exemption notice. | 20
21 |
| (5) Despite chapter 7, part 2, division 1 and until the working with children check (general) application is decided or withdrawn— | 22
23
24 |
| (a) the person may continue to be employed in the regulated employment; and | 25
26 |
| (b) for that purpose, sections 175 and 176A do not apply in relation to the employment. | 27
28 |
| (6) Subsection (7) applies if— | 29 |
| (a) the person is not a police officer or registered teacher; and | 30
31 |
| (b) immediately before the commencement, the person was carrying on a regulated business under previous section 197(1)(b) on the | 32
33
34 |

basis the prescribed notice application had been made but not decided, withdrawn or taken to have been withdrawn; and	1 2 3
(c) the person does not hold a negative notice or negative exemption notice.	4 5
(7) Despite chapter 7, part 2, division 1 and until the working with children check (general) application is decided or withdrawn—	6 7 8
(a) the person may continue to carry on the regulated business; and	9 10
(b) for that purpose, section 176B does not apply in relation to the regulated business.	11 12
569 Existing positive notice and positive notice blue card	13 14
(1) This section applies if, immediately before the commencement, a person holds a current positive notice.	15 16 17
(2) The positive notice is taken to be a working with children clearance issued to the person under amended chapter 8, part 4, division 9.	18 19 20
(3) If, immediately before the commencement, the positive notice was suspended under previous section 240 or 242—	21 22 23
(a) the person's working with children clearance under subsection (2) is taken to have been suspended under amended section 296; and	24 25 26 27
(b) the suspension may be dealt with under the amended Act.	28 29
(4) A current positive notice blue card issued to the person for the person's positive notice is taken to be a working with children card issued to the person under section 232A for the person's working with children clearance under subsection	30 31 32 33 34

(2).	1
(5) Despite schedule 7, definition <i>working with children card</i> , paragraph (b), it does not matter that the positive notice blue card does not include a photograph of the person.	2 3 4 5
570 Existing negative prescribed notice	6
(1) This section applies if, immediately before the commencement, a person holds a current negative prescribed notice.	7 8 9
(2) The negative prescribed notice is taken to be a negative notice issued to the person under amended chapter 8, part 4, division 9.	10 11 12
571 Existing exemption notice application	13
(1) This section applies to an exemption notice application that, immediately before the commencement, had not been decided, withdrawn or taken to have been withdrawn.	14 15 16 17
(2) The application is taken to be a working with children check (exemption) application.	18 19
(3) The amended Act applies for deciding the application.	20 21
572 Existing positive exemption notice and positive exemption notice card	22 23
(1) This section applies if, immediately before the commencement, a person holds a current positive exemption notice.	24 25 26
(2) The positive exemption notice is taken to be a working with children exemption issued—	27 28
(a) to the person under amended chapter 8, part 5, division 8; and	29 30

- (b) for the term that ends 3 years after the commencement. 1
2
- (3) If, immediately before the commencement, the positive exemption notice was suspended under previous section 298— 3
4
5
 - (a) the person’s working with children exemption under subsection (2) is taken to have been suspended under amended section 296; and 6
7
8
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 - (b) the suspension may be dealt with under the amended Act. 10
11
- (4) An exemption card issued to the person for the person’s positive exemption notice is taken to be a working with children card issued to the person under section 290A for the person’s working with children exemption under subsection (2). 12
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- (5) Despite schedule 7, definition *working with children card*, paragraph (b), it does not matter that the exemption card does not include— 17
18
19
 - (a) a photograph of the person; or 20
 - (b) the expiry date of the person’s working with children exemption. 21
22
- (6) In this section— 23
exemption card, for a person’s positive exemption notice, means a card issued to the person by the chief executive as evidence of the person’s positive exemption notice. 24
25
26
27

573 Expiry of transitioned positive exemption notice 28
29

- (1) This section applies in relation to a current positive exemption notice that is taken to be a working with children exemption under section 572 (the *transitioned exemption*) if— 30
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- (a) the term mentioned in section 572(2)(b) ends; and 1
2
- (b) either— 3
- (i) the holder of the transitioned exemption did not make a working with children check application before the term ended; or 4
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- (ii) the holder of the transitioned exemption made a working with children check application before the term ended and the application was withdrawn before it was decided. 8
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- (2) The chief executive must give a notice to the person who held the transitioned exemption that states— 13
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15
- (a) the transitioned exemption has expired; and 16
- (b) the person must return the person’s working with children card to the chief executive within 14 days after the notice is given, unless the person has a reasonable excuse. 17
18
19
20
- (3) The person must return the person’s working with children card to the chief executive within 14 days after the notice is given, unless the person has a reasonable excuse. 21
22
23
24
- Maximum penalty—100 penalty units. 25

574 Existing negative exemption notice 26

- (1) This section applies if, immediately before the commencement, a person holds a current negative exemption notice. 27
28
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- (2) The negative exemption notice is taken to be a negative notice issued to the person under amended chapter 8, part 5, division 8. 30
31
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575 Existing application to cancel positive notice or positive exemption notice	1 2
(1) This section applies if, immediately before the commencement—	3 4
(a) an application under previous section 244 to cancel a person’s positive notice had not been decided or withdrawn; or	5 6 7
(b) an application under previous section 302 to cancel a person’s positive exemption notice had not been decided or withdrawn.	8 9 10
(2) The application is taken to have been made under section 304D in relation to the person’s working with children clearance under section 569(2) or working with children exemption under section 572(2).	11 12 13 14 15
(3) The amended Act applies for deciding the application.	16 17
576 Existing application to cancel negative notice or negative exemption notice	18 19
(1) This section applies if, immediately before the commencement—	20 21
(a) an application under previous section 236 to cancel a person’s negative prescribed notice had not been decided or withdrawn; or	22 23 24
(b) an application under previous section 294 to cancel a person’s negative exemption notice had not been decided or withdrawn.	25 26 27
(2) The application is taken to have been made under section 304G in relation to the person’s negative notice under section 570(2) or 574(2).	28 29 30
(3) The amended Act applies for deciding the application.	31 32

577 Existing application to cancel suspended positive notice or positive exemption notice	1
	2
(1) This section applies if, immediately before the commencement—	3
	4
(a) an application under previous section 241 or 243 to cancel a person’s suspended positive notice had not been decided or withdrawn;	5
or	6
	7
(b) an application under previous section 299 to cancel a person’s suspended positive exemption notice had not been decided or withdrawn.	8
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(2) The application is taken to have been made under section 300(b) in relation to the person’s working with children clearance under section 569(2) or working with children exemption under section 572(2).	13
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(3) The amended Act applies for deciding the application.	18
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Subdivision 3 Reviews and appeals 20

578 Reviews not started on commencement	21
(1) This section applies if—	22
(a) before the commencement—	23
(i) the chief executive made a chapter 8 reviewable decision about a person;	24
and	25
	26
(ii) the person had not applied for a review of the decision under section 354; and	27
	28
(b) on the commencement, the time for starting a review of the decision had not ended.	29
	30
(2) The person may apply for a review of the	31

decision.	1
(3) QCAT must apply the amended Act in relation to the subject matter of the review.	2 3
579 Appeals not started on commencement	4
(1) This section applies if—	5
(a) before the commencement, the chief executive or another person had a right to appeal, under the QCAT Act, against a decision of QCAT relating to a chapter 8 reviewable decision; and	6 7 8 9 10
(b) on the commencement, the time for starting an appeal had not ended.	11 12
(2) The entity hearing the appeal must apply the amended Act in relation to the subject matter of the appeal.	13 14 15
580 Undecided reviews and appeals	16
(1) This section applies if, immediately before the commencement—	17 18
(a) an application, made by a person under section 354, for a review of a chapter 8 reviewable decision had not been decided or withdrawn; or	19 20 21 22
(b) an appeal against a decision of QCAT relating to a chapter 8 reviewable decision, started by a person under the QCAT Act, had not been decided or withdrawn.	23 24 25 26
(2) The entity hearing the review or appeal must apply the amended Act in relation to the subject matter of the review or appeal.	27 28 29

Subdivision 4 Other transitional provisions	1 2
581 Definition for subdivision	3
In this subdivision—	4
<i>transitioned application</i> means—	5
(a) for an eligibility application—an eligibility application under section 567; or	6 7
(b) for a prescribed notice application—a working with children check application under section 568; or	8 9 10
(c) for an exemption notice application—a working with children check (exemption) application under section 571.	11 12 13
<i>transitioned authority</i> means—	14
(a) for an eligibility declaration—an eligibility declaration under section 567; or	15 16
(b) for a positive notice—a working with children clearance under section 569; or	17 18
(c) for a negative prescribed notice—a negative notice under section 570; or	19 20
(d) for a positive exemption notice—a working with children exemption under section 572; or	21 22 23
(e) for a negative exemption notice—a negative notice under section 574.	24 25
582 Things done before commencement in relation to eligibility declaration, prescribed notice or exemption notice	26 27 28
(1) This section applies in relation to a thing done by the chief executive or another person under this Act before the commencement in relation to—	29 30 31

- (a) an eligibility application, prescribed notice application or exemption notice application; or 1
2
3
- (b) an eligibility declaration, prescribed notice or exemption notice. 4
5
- (2) The thing is taken to have been done under the amended Act in relation to— 6
7
 - (a) for a thing done in relation to an eligibility application, prescribed notice application or exemption notice application—the transitioned application for the application; or 8
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 - (b) for a thing done in relation to an eligibility declaration, prescribed notice or exemption notice—the transitioned authority for the declaration or notice. 13
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16
- (3) The amended Act applies for the purpose of subsection (2) with necessary changes. 17
18
- (4) This section does not limit another provision of this division. 19
20

583 Obligations or powers arising before commencement in relation to eligibility declaration, prescribed notice or exemption notice 21
22
23
24

- (1) This section applies if— 25
 - (a) before the commencement, the chief executive or another person was required or permitted under this Act to do, but did not do, something in relation to— 26
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28
29
 - (i) an eligibility application, prescribed notice application or exemption notice application; or 30
31
32
 - (ii) an eligibility declaration, prescribed notice or exemption notice; and 33
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-
- (b) on the commencement, the period within which the chief executive or other person was required or permitted to do the thing has not passed. 1
2
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- (2) The chief executive or other person must or may do the thing under the amended Act in relation to— 5
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7
- (a) for a thing required or permitted to be done in relation to an eligibility application, prescribed notice application or exemption notice application—the transitioned application for the application; or 8
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11
12
- (b) for a thing required or permitted to be done in relation to an eligibility declaration, prescribed notice or exemption notice—the transitioned authority for the declaration or notice. 13
14
15
16
17
- (3) The amended Act applies for the purpose of subsection (2) with necessary changes. 18
19
- (4) This section does not limit another provision of this division. 20
21
- 584 Existing employer notices about employment or proposed employment of a person** 22
23
- (1) A person, as the employer of another person, is taken to have given the chief executive a notice mentioned in section 175(1)(b) about employing the other person if, before the commencement, the person— 24
25
26
27
28
- (a) gave the chief executive a notification about employing the other person under previous section 188(1)(a), 192(2)(a) or 193(2)(a); or 29
30
31
- (b) applied for a prescribed notice about the other person. 32
33
- (2) A person, as the employer of a police officer or 34

- registered teacher, is taken to have given the chief executive a notice mentioned in section 176C(1)(b) about employing the police officer or teacher if, before the commencement, the person—
- (a) gave the chief executive a notification about employing the police officer or teacher under previous section 251(a), 254(2)(a) or 255(2)(a) or (b); or
 - (b) applied for an exemption notice about the police officer or teacher.

585 Existing orders under s 357

- This Act applies in relation to a disqualification order made under section 357 before the commencement as if—
- (a) a reference to a positive notice were a reference to a working with children clearance; and
 - (b) a reference to a positive exemption notice were a reference to a working with children exemption; and
 - (c) a reference to applying for a prescribed notice were a reference to making a working with children check (general) application; and
 - (d) a reference to applying for an exemption notice were a reference to making a working with children check (exemption) application.

586 Particular references in this Act or a document

- In an Act or a document, to the extent the context permits—

-
- (a) a reference to a working with children check (general) application includes a reference to an application for a prescribed notice under previous chapter 8, part 4, division 6 or 7; and
- (b) a reference to a working with children check (exemption) application includes a reference to an application for an exemption notice under previous chapter 8, part 5, division 7 or 8; and
- (c) a reference to a working with children clearance includes a reference to a positive notice under previous section 220(a); and
- (d) a reference to a working with children exemption includes a reference to a positive exemption notice under previous section 282(a); and
- (e) a reference to a working with children authority includes a reference to—
- (i) a positive notice under previous section 220(a); and
- (ii) a positive exemption notice under previous section 282(a); and
- (f) a reference to a negative notice includes a reference to—
- (i) a negative notice under previous section 220(b); and
- (ii) a negative exemption notice under previous section 282(b).

587 Application withdrawn or taken to have been withdrawn before commencement

- (1) If, before the commencement, a person withdrew a prescribed notice application or exemption notice application the person made about another

person—	1
(a) the application is taken to have been withdrawn under section 196; and	2 3
(b) a notice given by the chief executive about the withdrawal is taken to have been given under section 195 because section 196 applies.	4 5 6 7
(2) A notice about the withdrawal of a prescribed notice application about a person given under previous section 203, 204 or 214, or about the withdrawal of an exemption notice application about a person given under previous section 263, 264 or 275, is taken to be a withdrawal notice given under section 195 because section 196 applies.	8 9 10 11 12 13 14 15
(3) A notice about the withdrawal of a prescribed notice application about a person given under previous section 208 or 217, or about the withdrawal of an exemption notice application about a person given under previous section 269 or 279, is taken to be a withdrawal notice given under section 195 because section 199 applies.	16 17 18 19 20 21 22
588 Continuing obligation of confidentiality	23
(1) This section applies if—	24
(a) immediately before the commencement, previous section 384 applied to a person in relation to particular information; and	25 26 27
(b) on the commencement, section 384 does not apply to the person in relation to the information.	28 29 30
(2) Previous section 384 continues to apply to the person in relation to the information as if the amendment Act had not been enacted.	31 32 33

Division 5 Transitional regulation-making power 1
2

589 Transitional regulation-making power 3

- (1) A regulation (a *transitional regulation*) may 4
make provision about a matter— 5
 - (a) for which it is necessary to make provision 6
to allow or facilitate the doing of anything to 7
achieve the transition— 8
 - (i) from the operation of this Act as in 9
force before the commencement of a 10
relevant amendment; and 11
 - (ii) to the operation of this Act as in force 12
after the commencement of the relevant 13
amendment; and 14
 - (b) for which this Act does not provide or 15
sufficiently provide. 16
- (2) A transitional regulation may have retrospective 17
operation to a day not earlier than the day the 18
relevant amendment commenced. 19
- (3) A transitional regulation must declare it is a 20
transitional regulation. 21
- (4) This section and any transitional regulation expire 22
18 months after the day this section commenced. 23
- (5) In this section— 24
relevant amendment means an amendment of this 25
Act by the amendment Act. 26

Clause 67 Replacement of sch 1, ss 4 and 4A 27
Schedule 1, sections 4 and 4A— 28
omit, insert— 29

4	Education and care services and similar employment	1 2
(1)	Employment is regulated employment if—	3
(a)	it is employment as an educator or carer in, or staff member of, an education and care service or a QEC service; or	4 5 6
(b)	any of the usual functions of the employment are carried out, or are likely to be carried out at education and care service premises or QEC service premises while children are being educated and cared for at the premises; or	7 8 9 10 11 12
(c)	the usual functions of the employment include, or are likely to include, providing education and care to children in the course of a commercial service other than an education and care service or a QEC service.	13 14 15 16 17 18
(2)	If an adult is an occupant of a home in which a home-based stand-alone care service that is employment mentioned in subsection (1) is provided—	19 20 21 22
(a)	the adult is taken to be a volunteer who is employed in regulated employment; and	23 24
(b)	the carer who provides the service is taken to be the person who employs the adult in the regulated employment.	25 26 27
(3)	If an adult is an occupant of a family day care residence in which employment mentioned in subsection (1) is provided—	28 29 30
(a)	the adult is taken to be a volunteer who is employed in regulated employment; and	31 32
(b)	the approved provider under the Education and Care Services National Law (Queensland) of the family day care service	33 34 35

	provided in the residence is taken to be the person who employs the adult in the regulated employment.	1 2 3
(4)	Employment mentioned in subsection (1) is not regulated employment if the employee is a volunteer who is a parent of a child to whom education and care is regularly provided—	4 5 6 7
(a)	in the course of the service; or	8
(b)	at the premises.	9
4A	Child care and similar employment	10
(1)	Employment is regulated employment if any of the usual functions of the employment include or are likely to include providing child care in the course of a commercial service.	11 12 13 14
	<i>Examples—</i>	15
	• a babysitting service	16
	• a nanny service	17
	• a service conducted by a hotel or resort to provide child care to children who are short-term guests	18 19
(2)	However, employment mentioned in subsection (1) is not regulated employment if the employee is a volunteer who is a parent of a child to whom child care is regularly provided in the course of the service.	20 21 22 23 24
Clause 68	Amendment of sch 1, s 6 (Health, counselling and support services)	25 26
(1)	Schedule 1, section 6(3)(a)— <i>omit.</i>	27 28
(2)	Schedule 1, section 6(3)(b) to (d)— <i>renumber</i> as schedule 1, section 6(3)(a) to (c).	29 30

Clause 69	Insertion of new sch 1, s 28A	1
	After section 28—	2
	<i>insert</i> —	3
	28A Employment of lawyers	4
	Chapter 7 of this Act does not apply to the employment of a person who is an Australian lawyer who may engage in legal practice in this State under the <i>Legal Profession Act 2007</i> , to the extent the person is engaging in legal practice.	5 6 7 8 9
Clause 70	Amendment of sch 4 (Current disqualifying offences)	10
	(1) Schedule 4, entry for the Criminal Code—	11
	<i>insert</i> —	12
211	Bestiality	
354	Kidnapping	if the offence was committed against a child and the context in which the offence was committed was not familial
354A	Kidnapping for ransom	if the offence was committed against a child
363	Child-stealing	if the context in which the offence was committed was not familial
363A	Abduction of child under 16	if the context in which the offence was committed was not familial
	(2) Schedule 4, entry for the Criminal Code, section 300, ‘and was committed against a child’—	13 14
	<i>omit.</i>	15
	(3) Schedule 4, entry for the Criminal Code, section 349, ‘if the offence was committed against a child’—	16 17
	<i>omit.</i>	18

Clause 71	Amendment of sch 7 (Dictionary)	1
(1)	Schedule 7, authorising provision—	2
	<i>omit, insert—</i>	3
	section 9	4
(2)	Schedule 7, definitions <i>alternative certifications, approved foster carer, cousin, current, employment, employment-screening decision, engage, exemption notice, exemption notice application, influence, issue, minimum frequency for regulated employment, negative exemption notice, negative notice, notice of deemed withdrawal, positive exemption notice, positive notice, positive notice blue card, prescribed notice, prescribed notice application, prescribed person, proof of identity documents, regulated business, regulated employment and transitioning person—</i>	5 6 7 8 9 10 11 12 13 14
	<i>omit.</i>	15
(3)	Schedule 7—	16
	<i>insert—</i>	17
	<i>associated adult</i> , of a regulated person for a home-based care service, for chapter 8A, see section 357D.	18 19 20
	<i>authorised user</i> , for chapter 8A, see section 357E.	21 22
	<i>family day care residence</i> see the Education and Care Services National Law (Queensland), section 5(1).	23 24 25
	<i>family day care service</i> see the Education and Care Services National Law (Queensland), section 5(1).	26 27 28
	<i>foster or kinship care</i> , for chapter 8A, see section 357B(a).	29 30
	<i>home-based care service</i> , for chapter 8A, see section 357B.	31 32

<i>home-based family day care service</i> , for chapter 8A, see section 357B(b).	1 2
<i>home-based stand-alone care service</i> see section 357B(c).	3 4
<i>occupant</i> —	5
(a) of a home in which a home-based stand-alone service is provided, see the <i>Education and Care Services Act 2013</i> , schedule 1; or	6 7 8 9
(b) of a family day care residence, see the <i>Education and Care Services National Law (Queensland) Act 2011</i> , section 22(4).	10 11 12
<i>register</i> , for chapter 8A, see section 357A.	13
<i>regulated person</i> , for chapter 8A, see section 357C.	14 15
(4) Schedule 7—	16
<i>insert</i> —	17
<i>applicant</i> , for a working with children check application, see section 187.	18 19
<i>approved way</i> , for making an application or giving a notice, means a way for making the application, or giving the notice, approved by the chief executive and notified on a Queensland Government website.	20 21 22 23 24
<i>employment</i> —	25
(a) in relation to a trainee student—see sections 10 and 11; or	26 27
(b) in relation to regulated employment mentioned in schedule 1, section 4(2) or (3)—includes employment by the person mentioned in that section in the circumstances mentioned in the section; or	28 29 30 31 32

-
- (c) in relation to regulated employment 1
mentioned in schedule 1, section 14(1) or 2
(2)—includes employment by the State in 3
the circumstances mentioned in section 12; 4
or 5
- (d) otherwise—see section 10. 6
- employment-screening decision**, in relation to a 7
person, means a decision about— 8
- (a) whether a working with children authority 9
or negative notice should be issued to the 10
person; or 11
- (b) whether a person’s working with children 12
authority or negative notice should be 13
cancelled; or 14
- (c) whether an eligibility declaration should be 15
issued to a person. 16
- issue**— 17
- (a) a negative notice to a person includes issue a 18
negative notice to the person when the 19
person’s working with children authority is 20
cancelled; and 21
- (b) issue a working with children authority to a 22
person includes issue a working with 23
children authority to the person when the 24
person’s negative notice is cancelled. 25
- negative notice** means— 26
- (a) in relation to a person other than a police 27
officer or registered teacher—a notice under 28
section 220(3); or 29
- (b) in relation to a police officer or a registered 30
teacher—a notice under section 220(3) or 31
282(3). 32
- potential employer**, of a person, means a person 33
who— 34
-

- (a) the chief executive reasonably believes 1
employs, or proposes to employ, the person; 2
and 3
- (b) is not a notifiable person for the person. 4
- Queensland Government website** means a 5
website with a URL that contains ‘qld.gov.au’, 6
other than the website of a local government. 7
- regulated business** see section 157. 8
- regulated employment** see section 156. 9
- restricted employment** see section 176H. 10
- restricted person**, for chapter 7, part 4, division 4, 11
see section 176H. 12
- teacher registration**, of a person, means the 13
person’s full registration or provisional 14
registration under the *Education (Queensland 15
College of Teachers) Act 2005*. 16
- withdrawal notice** see section 195. 17
- working with children authority** means— 18
- (a) a working with children clearance; or 19
- (b) a working with children exemption. 20
- working with children card** means a document, in 21
the form of a card, that— 22
- (a) evidences that a working with children 23
authority has been issued to a person; and 24
- (b) includes a photograph of the person and the 25
following information— 26
- (i) the person’s name; 27
- (ii) a registration number for the person; 28
- (iii) the expiry date of the person’s 29
authority. 30
- working with children check application** 31

means—	1
(a) a working with children check (general) application; or	2 3
(b) a working with children check (exemption) application.	4 5
<i>working with children check (exemption) application</i> means an application for a working for children check for an exemption made under section 187(2).	6 7 8 9
<i>working with children check (general) application</i> means an application for a working for children check made under section 187(1).	10 11 12
<i>working with children clearance</i> see section 220(2).	13 14
<i>working with children exemption</i> see section 282(2).	15 16
(5) Schedule 7, definition <i>notifiable person</i> , paragraph (a)(i) and (ii), after ‘if’—	17 18
<i>insert</i> —	19
the chief executive is aware	20
(6) Schedule 7, definition <i>notifiable person</i> , paragraph (a)(i), after ‘employer’—	21 22
<i>insert</i> —	23
or proposed employer	24
(7) Schedule 7, definition <i>notifiable person</i> , paragraph (a)—	25
<i>insert</i> —	26
(ia) if the chief executive is aware the person is employed at a State school within the meaning of the <i>Education (General Provisions) Act 2006</i> —	27 28 29 30
(A) the principal of the State school; and	31

- (B) the chief executive of the department in which the *Education (General Provisions) Act 2006* is administered; or
- (8) Schedule 7, definition *notifiable person*, paragraphs (a)(iii) to (vi)—
omit, insert—
- (iii) if the chief executive is aware that the person is an approved provider or staff member for a QEC service, or a volunteer who works in or as part of a QEC service, under the *Education and Care Services Act 2013*—the chief executive (education and care); or
- (iv) if the chief executive is aware that the person is an adult occupant of a home in which a home-based stand-alone care service is provided—the chief executive (child care); or
- (v) if the chief executive is aware that the person is an approved provider or staff member in relation to an education and care service under the *Education and Care Services National Law (Queensland)*—the chief executive (education and care); or
- (vi) if the chief executive is aware the person is an adult occupant of a family day care residence—the chief executive (education and care); or
- (9) Schedule 7, definition *notifiable person*, paragraph (b), ‘for chapter 8, part 5 other than sections 298 to 300—’—
omit.

Part 3	Amendment of other Acts	1
Division 1	Amendment of Disability Services Act 2006	2 3
Clause 72	Act amended	4
	This division amends the <i>Disability Services Act 2006</i> .	5
	<i>Note—</i>	6
	See also the amendments in schedule 2.	7
Clause 73	Insertion of new s 109A	8
	After section 109—	9
	<i>insert—</i>	10
	109A Stay of operation of particular decisions on application for review	11 12
	(1) This section applies to a decision of QCAT, on an application for a review of a part 5 reviewable decision under section 109, to set aside an exceptional case decision.	13 14 15 16
	(2) QCAT's decision does not take effect until—	17
	(a) the end of the period within which an appeal against QCAT's decision may be started; or	18 19
	(b) if an appeal against QCAT's decision is started—the appeal is decided or withdrawn.	20 21
	(3) This section applies despite the QCAT Act, sections 145 and 152.	22 23
	(4) In this section—	24
	<i>exceptional case decision</i> means a decision of the chief executive as to whether or not there is an exceptional case for a person if, because of the decision, the chief executive—	25 26 27 28

	(a) issued a negative notice or negative exemption notice to the person; or	1 2
	(b) refused to cancel the person's negative notice or negative exemption notice.	3 4
Division 2	Amendment of Public Service Act 2008	5 6
Clause 74	Act amended	7
	This division amends the <i>Public Service Act 2008</i> .	8
Clause 75	Amendment of s 150 (Definitions for pt 6)	9
	(1) Section 150, definitions <i>positive exemption notice</i> and <i>positive prescribed notice</i> —	10 11
	<i>omit.</i>	12
	(2) Section 150—	13
	<i>insert</i> —	14
	<i>working with children authority</i> means a working with children authority under the Working with Children Act.	15 16 17
	(3) Section 150, definition <i>child-related duties</i> , 'section 156'—	18
	<i>omit, insert</i> —	19
	section 156(2)	20
	(4) Section 150, definition <i>relevant duties</i> , 'section 151'—	21
	<i>omit, insert</i> —	22
	section 151(2)	23
Clause 76	Amendment of s 151 (Application of div 2)	24
	(1) Section 151(1), note, paragraph (a), 'chapter 8'—	25

omit, insert— 1

chapter 7 2

(2) Section 151(2)— 3

omit. 4

(3) Section 151(3) and (4)— 5

renumber as section 151(2) and (3). 6

Clause 77 Amendment of s 156 (Application of div 3) 7

(1) Section 156(1), note, ‘chapter 8’— 8

omit, insert— 9

chapter 7 10

(2) Section 156(2)— 11

omit. 12

(3) Section 156(3)— 13

renumber as section 156(2). 14

Clause 78 Amendment of s 157 (Definitions for div 3) 15

(1) Section 157, definitions *current, exemption notice, negative* 16

exemption notice, negative prescribed notice and prescribed 17

notice— 18

omit. 19

(2) Section 157— 20

insert— 21

negative notice means a negative notice under the 22

Working with Children Act. 23

Clause 79	Amendment of s 158 (Prescribed notice or exemption notice required for child-related duties)	1 2
	(1) Section 158, heading, ‘Prescribed notice or exemption notice’—	3 4
	<i>omit, insert—</i>	5
	Working with children authority	6
	(2) Section 158(1)(a) and (b)—	7
	<i>omit, insert—</i>	8
	(a) the person holds a working with children authority; or	9 10
	(b) if the person is a police officer or registered teacher—the person has made a working with children check (exemption) application under the Working with Children Act.	11 12 13 14
	(3) Section 158(3), definition <i>volunteer</i> —	15
	<i>omit.</i>	16
Clause 80	Omission of s 159 (Chief executive to apply for prescribed notice or exemption notice)	17 18
	Section 159—	19
	<i>omit.</i>	20
Clause 81	Replacement of ss 161 and 162	21
	Sections 161 and 162—	22
	<i>omit, insert—</i>	23
	161 Engaging police officer or registered teacher who is a public service employee before exemption issued	24 25 26
	(1) This section applies if—	27
	(a) the chief executive of a department engages a person who is a police officer or a	28 29

-
- registered teacher to perform child-related 1
duties on the basis the person made an 2
application mentioned in section 158(1)(b); 3
and 4
- (b) when the chief executive engages the 5
person, the person is also a public service 6
employee; and 7
- (c) either— 8
- (i) the person’s application is withdrawn 9
under the Working with Children Act; 10
or 11
- (ii) the person is issued a negative notice. 12
- (2) The chief executive must ensure the person does 13
not continue to perform child-related duties. 14

**162 Engaging police officer or registered teacher 15
who is not public service employee before 16
exemption issued 17**

- (1) This section applies if— 18
- (a) the chief executive of a department engages 19
a person who is a police officer or a 20
registered teacher to perform child-related 21
duties on the basis the person has made an 22
application mentioned in section 158(1)(b); 23
and 24
- (b) when the chief executive engages the 25
person, the person is not a public service 26
employee. 27
- (2) The chief executive— 28
- (a) may only appoint the person on probation 29
under section 126 for a period that does not 30
end before a working with children 31
exemption is issued to the person; and 32

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	(b) may confirm the person’s appointment under section 126 only if the person is issued a working with children exemption; and	1 2 3 4
	(c) must not confirm the person’s appointment under section 126 if either of the following happens—	5 6 7
	(i) the person’s application is withdrawn under the Working with Children Act;	8 9
	(ii) the person is issued a negative notice.	10
	(3) Subsection (2) does not limit the power under section 126 to have a longer probationary period or to terminate the person’s employment.	11 12 13
	(4) In this section—	14
	<i>working with children exemption</i> means a working with children exemption under the Working with Children Act.	15 16 17
Clause 82	Amendment of s 163 (Effect of suspension or cancellation of positive prescribed notice or positive exemption notice)	18 19 20
	(1) Section 163, ‘positive prescribed notice or positive exemption notice’—	21 22
	<i>omit, insert—</i>	23
	working with children authority	24
	(2) Section 163(1), ‘the notice’—	25
	<i>omit, insert—</i>	26
	the authority	27

Clause 83	Amendment of ch 5, pt 6, div 3A, hdg (Further assessment of person to whom prescribed notice or exemption notice is issued)	1 2 3
	Chapter 5, part 6, division 3A, heading, ‘prescribed notice or exemption notice’—	4 5
	<i>omit, insert—</i>	6
	working with children authority	7
Clause 84	Amendment of s 165A (Chief executive may decide to obtain criminal history)	8 9
	(1) Section 165A(1)(a), ‘positive prescribed notice or positive exemption notice’—	10 11
	<i>omit, insert—</i>	12
	working with children authority	13
	(2) Section 165A(1)(b), from ‘(including’ to ‘section 159)’—	14
	<i>omit.</i>	15
Clause 85	Amendment of sch 4 (Dictionary)	16
	(1) Schedule 4, definitions <i>current, exemption notice, negative exemption notice, negative prescribed notice, positive exemption notice, positive prescribed notice</i> and <i>prescribed notice</i> —	17 18 19 20
	<i>omit.</i>	21
	(2) Schedule 4—	22
	<i>insert—</i>	23
	negative notice , for chapter 5, part 6, division 3, see section 157.	24 25
	working with children authority , for chapter 5, part 6, see section 150.	26 27
	working with children exemption , for chapter 5, part 6, division 3, see section 157.	28 29

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- | | | |
|-----|---|---|
| (3) | Schedule 4, definition <i>child-related duties</i> , ‘section 150’— | 1 |
| | <i>omit, insert</i> — | 2 |
| | section 156(2) | 3 |
| (4) | Schedule 4, definition <i>relevant duties</i> , ‘section 150’— | 4 |
| | <i>omit, insert</i> — | 5 |
| | section 151(2) | 6 |

Division 3	Other amendments	7
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- | | | |
|------------------|---|---------|
| Clause 86 | Acts amended | 8 |
| (1) | Schedule 1 amends the <i>Working with Children (Risk Management and Screening) Act 2000</i> . | 9
10 |
| (2) | Schedule 2 amends the Acts it mentions. | 11 |

Schedule 1	Amendment of Working with Children (Risk Management and Screening) Act 2000	1 2 3
	section 86(1)	4
1	Section 158(2), example— <i>omit.</i>	5 6
2	Sections 161(1), 164(2) and (3) and 166(2), ‘this chapter’— <i>omit, insert—</i> this Act	7 8 9
3	Section 161(4), ‘section 162’— <i>omit, insert—</i> section 11	10 11 12
4	Section 166, note— <i>omit.</i>	13 14
5	Section 171(2), definition <i>employees in regulated employment</i>, paragraphs (a), (b) and (c)— <i>omit, insert—</i> (a) persons who made a working with children check (exemption) application; (b) persons who hold a working with children authority; (c) persons who are not required to hold a working with children authority;	15 16 17 18 19 20 21 22 23

6	Section 221, heading—	1
	<i>omit, insert—</i>	2
	221 Deciding application—no conviction or conviction etc. for non-serious offence	3 4
7	Section 221, ‘positive notice’—	5
	<i>omit, insert—</i>	6
	working with children clearance	7
8	Section 221(1)(b)(iv), note, from ‘sections 208’—	8
	<i>omit, insert—</i>	9
	chapter 7, part 4, division 4 and sections 199, 295(1) and 296.	10 11
9	Section 222, heading—	12
	<i>omit, insert—</i>	13
	222 Deciding application—previous holder of working with children exemption	14 15
10	Section 222, ‘positive notice’—	16
	<i>omit, insert—</i>	17
	working with children clearance	18
11	Section 222(1), ‘positive exemption notice’—	19
	<i>omit, insert—</i>	20
	working with children exemption	21
12	Section 223, heading and subsection (1)—	22
	<i>omit, insert—</i>	23

223 Deciding application—negative notice cancelled or holder of eligibility declaration	1
	2
(1) This section applies if—	3
(a) the chief executive has, under section 304I, cancelled a negative notice issued to the person; or	4
	5
	6
(b) an eligibility declaration is in force for the person.	7
	8
13 Section 223(2), ‘positive notice’—	9
<i>omit, insert—</i>	10
working with children clearance	11
14 Section 223(4), from ‘to issue’—	12
<i>omit, insert—</i>	13
to issue a working with children clearance, the chief executive must issue a working with children clearance to the person.	14
	15
	16
15 Section 229(1)(b), ‘prescribed notice’—	17
<i>omit, insert—</i>	18
working with children check (general)	19
16 Section 229(2)(b)(ii), ‘positive notice’—	20
<i>omit, insert—</i>	21
working with children clearance	22
17 Section 233(c), from ‘current negative notice’—	23
<i>omit, insert—</i>	24
negative notice to—	25

	(i) make a working with children check application; or	1 2
	(ii) start or continue in regulated employment or restricted employment; or	3 4
	(iii) carry on a regulated business.	5
18	Section 235(1)(a) and (b)—	6
	<i>omit, insert—</i>	7
	(a) the chief executive issues a working with children clearance to a person; and	8 9
	(b) the chief executive of another department (the <i>other executive</i>) proposes to start employing, or continue employing, the person in regulated employment; and	10 11 12 13
19	Section 247, heading, ‘Prescribed notices’	14
	<i>omit, insert—</i>	15
	Clearances	16
20	Section 247(1)(a)—	17
	<i>omit, insert—</i>	18
	(a) a person holds a working with children clearance; and	19 20
21	Section 247(2), ‘positive notice or negative notice’—	21
	<i>omit, insert—</i>	22
	working with children clearance	23
22	Section 247(3), from ‘positive notice’—	24
	<i>omit, insert—</i>	25
	working with children clearance while it is in	26

	force.	1
23	Section 247(4) to (6)—	2
	<i>omit, insert—</i>	3
	(4) If the chief executive is aware the person is a police officer or registered teacher and, under part 5A or part 7, division 1, the chief executive is required or permitted to issue a working with children clearance to the person, the chief executive must instead issue a working with children exemption to the person.	4 5 6 7 8 9 10
24	Section 283, heading, ‘Issuing positive exemption notice to’—	11 12
	<i>omit, insert—</i>	13
	Deciding application—	14
25	Section 283, ‘positive exemption notice’—	15
	<i>omit, insert—</i>	16
	working with children exemption	17
26	Section 284, heading, ‘Issuing positive exemption notice to’—	18 19
	<i>omit, insert—</i>	20
	Deciding application—	21
27	Section 284, ‘positive exemption notice’—	22
	<i>omit, insert—</i>	23
	working with children exemption	24

28	Sections 286(1) and 287(1), ‘exemption notice application’—	1
	<i>omit, insert—</i>	2
	working with children check (exemption) application	3
		4
		5
29	Section 287(6)(b), ‘or negative exemption notice’—	6
	<i>omit.</i>	7
30	Section 291, ‘exemption’—	8
	<i>omit.</i>	9
31	Section 291(c), from ‘current negative’—	10
	<i>omit, insert—</i>	11
	negative notice to—	12
	(i) make a working with children check application; or	13
		14
	(ii) start or continue in regulated employment or restricted employment; or	15
		16
	(iii) carry on a regulated business.	17
32	Section 292(1)—	18
	<i>omit, insert—</i>	19
	(1) The chief executive must give each notifiable person for the person a written notice that states whether the person was issued a working with children exemption or a negative notice.	20
		21
		22
		23
33	Section 292(2), ‘negative exemption notice’—	24
	<i>omit, insert—</i>	25
	negative notice	26

34	Section 292(2), note, from ‘exemption notice applications’ to ‘exemption notice’—	1
	<i>omit, insert—</i>	2
	working with children check (exemption) applications under section 285) for circumstances in which a negative notice	3
		4
		5
		6
35	Section 293(1)(a) and (b)—	7
	<i>omit, insert—</i>	8
	(a) the chief executive issues a working with children exemption to a person; and	9
		10
	(b) the chief executive of another department (the <i>other executive</i>) proposes to start employing, or continue employing, the person in regulated employment; and	11
		12
		13
		14
36	Chapter 8, part 6, hdg, from ‘relating to—	15
	<i>omit.</i>	16
37	Section 307(1)(c)—	17
	<i>omit, insert—</i>	18
	(c) after the investigative information is given to the chief executive—	19
		20
	(i) the person is issued a negative notice, whether or not the negative notice was issued because a working with children authority held by the person was cancelled; or	21
		22
		23
		24
		25
	(ii) an eligibility application made by the person is refused.	26
		27
38	Section 307(3), ‘of the relevant event’—	28
	<i>omit, insert—</i>	29

	about the issue of the negative notice or refusal of the eligibility application	1 2
39	Section 309(2)—	3
	<i>omit, insert—</i>	4
	(2) If the court sets aside the decision appealed against, the person may—	5 6
	(a) if the person was issued a negative notice because of the information—apply under section 304G for the negative notice to be cancelled on the grounds the decision to issue the notice was based on wrong information; or	7 8 9 10 11 12
	(b) if an eligibility application made by the person was refused because of the information—apply under section 186 for revocation of the refusal on the grounds it was based on wrong information.	13 14 15 16 17
40	Section 309(5)—	18
	<i>omit.</i>	19
41	Section 311(2)(d) and (e)—	20
	<i>omit, insert—</i>	21
	(d) if the person holds a working with children clearance—any number or date related to the person’s clearance or working with children card;	22 23 24 25
	(e) if the person holds a working with children exemption—any number or date related to the person’s exemption or working with children card;	26 27 28 29

42	Section 316(4), definition <i>withdrawal</i>, paragraphs (a) to (d)—	1
	<i>omit, insert—</i>	2
	(a) a working with children check application;	3
	(b) an eligibility application.	4
43	Section 317(1), ‘(a) to (i)’—	6
	<i>omit.</i>	7
44	Section 317(7)—	8
	<i>omit, insert—</i>	9
	(7) If the person is a person mentioned in section 323(1), the chief executive, on receiving notice under subsection (2) or (3), may write to the person to inform the person about the person’s obligations under section 323(2).	10
	<i>Note—</i>	11
	Section 323 imposes obligations on particular persons to notify particular entities of changes in police information.	12
		13
		14
		15
		16
		17
		18
45	Section 322(1)—	19
	<i>omit, insert—</i>	20
	(1) This section applies to a person who holds a working with children authority if the person is convicted of a serious offence.	21
	<i>Note—</i>	22
	See sections 303 and 304A for the chief executive’s power to cancel a working with children authority if the holder of the authority is convicted of an offence.	23
		24
		25
		26
		27

46	Section 322(2), from ‘positive notice’ to ‘exemption notice’—	1
	<i>omit, insert—</i>	2
	person’s working with children card	3
47	Section 322(4)(a) and (b)—	4
	<i>omit, insert—</i>	5
	(a) the person gives the person’s working with children card to the chief executive under subsection (2) and the chief executive returns the card to the person; or	6
	(b) the person is issued a new working with children authority.	7
48	Section 322(5)—	8
	<i>omit.</i>	9
49	Section 326(1)(a)(i) and (ii)—	10
	<i>omit, insert—</i>	11
	(i) the person has made a working with children check (exemption) application; or	12
	(ii) the person holds a working with children exemption; and	13
50	Section 327(2), note, ‘part 4, divisions 3 to 5’—	14
	<i>omit, insert—</i>	15
	chapter 7, part 4, division 2	16
51	Section 328(2), note, ‘part 4, divisions 3 to 5’—	17
	<i>omit, insert—</i>	18
	chapter 7, part 4, division 2	19

52	Section 330(2)(f)—	1
	<i>omit, insert—</i>	2
	(f) that the person may withdraw the person’s working with children check application or eligibility application;	3 4 5
53	Section 330(2)(g)(i)—	6
	<i>omit, insert—</i>	7
	(i) the chief executive may withdraw the person’s working with children check application or eligibility application;	8 9 10
54	Section 330(3), note—	11
	<i>omit, insert—</i>	12
	<i>Note—</i>	13
	See also chapter 8, part 3 about the withdrawal of working with children check applications and eligibility applications.	14 15 16
55	Sections 332(3)(b) and 333(3)(b)—	17
	<i>omit, insert—</i>	18
	(b) that, if the person fails to give the consent, the chief executive may withdraw the person’s working with children check application or eligibility application.	19 20 21 22
56	Section 342(1)(a) and (b)—	23
	<i>omit, insert—</i>	24
	(a) whether the person holds a working with children authority or a negative notice;	25 26
	(b) whether the person has made a working with children check application.	27 28

57	Section 342(2)(d), ‘positive notice’—	1
	<i>omit, insert—</i>	2
	working with children authority	3
58	Section 342(3) and (4)—	4
	<i>omit, insert—</i>	5
	(3) The chief executive must give the accreditation board a notice about each of the following events that happen—	6 7 8
	(a) a prescribed person is issued a negative notice;	9 10
	(b) a prescribed person’s working with children authority—	11 12
	(i) is suspended under section 296; or	13
	(ii) is cancelled under section 301 or 304E;	14
	(c) the suspension of a prescribed person’s working with children authority ends under section 302;	15 16 17
	(d) the term of a prescribed person’s working with children authority ends;	18 19
	(e) a prescribed person’s working with children check application is withdrawn.	20 21
	(4) Also, if a prescribed person who holds a negative notice makes a working with children check application, the chief executive must give the accreditation board a notice that states that the application has no effect.	22 23 24 25 26
	<i>Note—</i>	27
	See section 193.	28
59	Section 342(5), definition <i>issue</i>—	29
	<i>omit.</i>	30

60	Section 343(1)(a), ‘positive notice’—	1
	<i>omit, insert—</i>	2
	working with children authority	3
61	Section 343(2) and (3)—	4
	<i>omit, insert—</i>	5
	(2) The chief executive must give the college a notice about each of the following events that happen—	6 7
	(a) the person’s working with children authority—	8 9
	(i) is suspended under section 296; or	10
	(ii) is cancelled under section 301 or 304E;	11
	(b) the suspension of the person’s working with children authority ends under section 302;	12 13
	(c) the term of the person’s working with children authority ends;	14 15
	(d) the person is issued a negative notice.	16
62	Section 343(4)—	17
	<i>renumber</i> as section 343(3).	18
63	Section 344(2) and (3)—	19
	<i>omit, insert—</i>	20
	(2) The chief executive must give the chief executive (disability services) a notice about each of the following events that happen—	21 22 23
	(a) the person’s working with children authority—	24 25
	(i) is suspended under section 296; or	26
	(ii) is cancelled under section 301 or 304E;	27

	(b) the suspension of the person’s working with children authority ends under section 302;	1 2
	(c) the term of the person’s working with children authority ends;	3 4
	(d) the person is issued a negative notice.	5
64	Section 344(4)— <i>renumber</i> as section 344(3).	6 7
65	Section 345(2)— <i>omit.</i>	8 9
66	Section 353, definition <i>chapter 8 reviewable decision</i>, paragraph (a)(i) and (ii)— <i>omit, insert—</i>	10 11 12
	(i) issued the person a negative notice; or	13
	(ii) refused to cancel a negative notice issued to the person; or	14 15
67	Section 353, definition <i>chapter 8 reviewable decision</i>, paragraph (b)(i)— <i>omit, insert—</i>	16 17 18
	(i) because of the decision, the person’s working with children authority was suspended under section 296; and	19 20 21
68	Section 353, definition <i>chapter 8 reviewable decision</i>, paragraph (b)(iii)— <i>omit, insert—</i>	22 23 24
	(iii) the person has applied under section 300(1)(b) for the chief executive to decide whether to cancel the person’s suspended	25 26 27

	working with children authority and that application has been refused; or	1 2
69	Section 353, definition <i>chapter 8 reviewable decision</i>, paragraph (c)(i)—	3 4
	<i>omit, insert—</i>	5
	(i) because of the decision, the person’s working with children authority was suspended under section 296; and	6 7 8
70	Section 353, definition <i>chapter 8 reviewable decision</i>, paragraph (c)(iii)—	9 10
	<i>omit, insert—</i>	11
	(iii) the person has applied under section 300(1)(b) for the chief executive to decide whether to cancel the person’s suspended working with children authority and that application has been refused; or	12 13 14 15 16
71	Section 353, definition <i>chapter 8 reviewable decision</i>, paragraph (d)(i), ‘or negative exemption notice’—	17 18
	<i>omit.</i>	19
72	Section 353, definition <i>chapter 8 reviewable decision</i>, paragraph (d)(iii)—	20 21
	<i>omit, insert—</i>	22
	(iii) the person has applied under section 304G for the chief executive to cancel the negative notice and that application has been refused.	23 24 25
73	Section 353, definition <i>issue</i>—	26
	<i>omit.</i>	27

74	Section 353, definition <i>prescribed period</i>, paragraphs (b) to (f)—	1 2
	<i>omit, insert—</i>	3
	(b) for a chapter 8 reviewable decision mentioned in definition <i>chapter 8 reviewable decision</i> , paragraph (b) or (c)—the decision on the application mentioned in section 300(1)(b) about the suspension;	4 5 6 7 8
	(c) for a chapter 8 reviewable decision mentioned in definition <i>chapter 8 reviewable decision</i> , paragraph (d)—the decision on the application under section 304G about the negative notice.	9 10 11 12 13
75	Section 353, definition <i>relevant disqualified person decision</i>—	14 15
	<i>insert—</i>	16
	(c) a decision of the chief executive that the person is the respondent to an application for an offender prohibition order under the Offender Reporting Act.	17 18 19 20
76	Section 354(3), from ‘issue’ to ‘a person’—	21
	<i>omit, insert—</i>	22
	issue a negative notice to a person, or refuse to cancel a person’s negative notice,	23 24
77	Section 356(4), from ‘positive notice’ to ‘section 298,’—	25
	<i>omit, insert—</i>	26
	working with children authority is suspended under section 296	27 28

78	Section 385(1), ‘(2)(b)’—	1
	<i>omit, insert—</i>	2
	(2)	3
79	Schedule 1, part 3, heading, ‘chapter 8’—	4
	<i>omit, insert—</i>	5
	chapter 7	6
80	Schedule 1, sections 26, 27, 28, 29(1) and 30, ‘Chapter 8’—	7
	<i>omit, insert—</i>	8
	Chapter 7	10
81	Schedule 1, section 29(2), ‘chapter 8’—	11
	<i>omit, insert—</i>	12
	chapter 7	13
82	Schedules 2 and 3, authorising provision—	14
	<i>omit, insert—</i>	15
	section 15	16
83	Schedules 4 and 5, authorising provision—	17
	<i>omit, insert—</i>	18
	section 16	19

Schedule 1

84	Schedule 7, definitions <i>adjunct care, amended Act, amending Act, child safety department, commencement, disability services regulated business, disability services regulated employment, health student regulated business, health student regulated employment, new disqualified person, new disqualifying offence, new local government regulated business, new local government regulated employment, new relevant disqualified person, new serious offence, other new regulated business, other new regulated employment, prescribed police information, previous section 97 and unamended Act</i>—	1 2 3 4 5 6 7 8 9 10 11
	<i>omit.</i>	12
85	Schedule 7, definition <i>chief executive (child safety), ‘child safety department’</i>—	13 14
	<i>omit, insert—</i>	15
	department in which the <i>Child Protection Act 1999</i> is administered	16 17
86	Schedule 7, definition <i>disqualified person, ‘section 169’</i>—	18
	<i>omit, insert—</i>	19
	section 17	20
87	Schedule 7, definition <i>disqualifying offence, ‘section 168’</i>—	21 22
	<i>omit, insert—</i>	23
	section 16	24
88	Schedule 7, definition <i>relevant disqualified person, ‘section 170’</i>—	25 26
	<i>omit, insert—</i>	27
	section 18	28

89	Schedule 7, definition <i>serious offence</i>, ‘section 167’—	1
	<i>omit, insert—</i>	2
	section 15	3
90	Schedule 7, definition <i>staff member</i>, paragraph (c)—	4
	<i>omit.</i>	5
91	Schedule 7, definition <i>volunteer</i>, ‘section 165’—	6
	<i>omit, insert—</i>	7
	section 13	8
92	Schedule 7, definition <i>work</i>, ‘, for chapter 8,’—	9
	<i>omit.</i>	10

Schedule 2	Acts amended	1
	section 86(2)	2
Adoption Act 2009		3
1	Schedule 3, definition <i>disqualifying offence</i>, ‘section 168’—	4
	<i>omit, insert—</i>	5
	section 16	6
2	Schedule 3, definition <i>serious offence</i>, ‘section 167’—	7
	<i>omit, insert—</i>	8
	section 15	9
Child Protection Act 1999		10
1	Section 125(1)(d)(ii) to (iv)—	11
	<i>omit, insert—</i>	12
	(ii) states whether or not, for each person mentioned in section 126(b)(i) or (ii), the person has a working with children authority or negative notice; and	13
	(iii) if the person has a working with children authority—states the expiry date for the authority; and	14
	(iv) if the person does not have a working with children authority—states whether or not the person has made a working with children check application and whether the application has been decided or withdrawn; and	15
		16
		17
		18
		19
		20
		21
		22

2	Section 126(c), from ‘current positive prescribed’—	1
	<i>omit, insert—</i>	2
	working with children authority; and	3
3	Section 126(d), ‘chapter 8’—	4
	<i>omit, insert—</i>	5
	chapter 7	6
4	Section 129(2)(c), ‘current positive prescribed notice or current positive exemption notice’—	7
	<i>omit, insert—</i>	8
	working with children authority	10
5	Section 129A(c), ‘chapter 8’—	11
	<i>omit, insert—</i>	12
	chapter 7	13
6	Section 133(3)(d)(i) and (ii)—	14
	<i>omit, insert—</i>	15
	(i) a working with children authority or negative notice; or	16
		17
	(ii) made a working with children check application;	18
		19
7	Section 133(3)(e), from ‘current positive’—	20
	<i>omit, insert—</i>	21
	working with children authority—the expiry date for the authority.	22
		23

8	Section 134(3)(d)(i) and (ii)—	1
	<i>omit, insert—</i>	2
	(i) a working with children authority or negative notice; or	3 4
	(ii) made a working with children check application;	5 6
9	Section 134(3)(e), from ‘current positive’—	7
	<i>omit, insert—</i>	8
	working with children authority—the expiry date for the authority.	9 10
10	Section 135(1)(a)(iii) and (b)(iv), ‘current positive prescribed notice or current positive exemption notice’—	11 12
	<i>omit, insert—</i>	13
	working with children authority	14
11	Section 136(2)(c), ‘current positive prescribed notice or current positive exemption notice’—	15 16
	<i>omit, insert—</i>	17
	working with children authority	18
12	Section 137(5)(b)(i) and (ii)—	19
	<i>omit, insert—</i>	20
	(i) a working with children authority; or	21
	(ii) made a current working with children check application.	22 23
13	Section 139(5), ‘current positive prescribed notice or current positive exemption notice’—	24 25
	<i>omit, insert—</i>	26

	working with children authority	1
14	Section 140AB, definitions <i>prescribed provision</i> and <i>prohibiting event</i>—	2
	<i>omit.</i>	3
		4
15	Section 140AB—	5
	<i>insert—</i>	6
	<i>prescribed provision</i> means the Working with Children Act, section 224 (including as applied under section 285) or 303.	7
		8
		9
	<i>prohibiting event</i> , for a person, means—	10
	(a) the person is issued with a negative notice other than—	11
		12
	(i) under a prescribed provision; or	13
	(ii) on cancellation of a working with children authority that is suspended; or	14
		15
	(b) the person’s working with children authority is suspended; or	16
		17
	(c) the person’s working with children check application is withdrawn.	18
		19
16	Section 140AB, definition <i>apply for a review</i>, from ‘or give’ to ‘exemption notice’—	20
	<i>omit, insert—</i>	21
		22
	a negative notice	23
17	Section 140AC, ‘or given a negative prescribed notice or negative exemption notice’—	24
	<i>omit, insert—</i>	25
		26
	a negative notice	27

18	Section 140AC(4), ‘the negative prescribed’ to ‘given’—	1
	<i>omit, insert—</i>	2
	the negative notice is issued	3
19	Section 140AF(1), from ‘or given’—	4
	<i>omit, insert—</i>	5
	a working with children authority.	6
20	Section 140AF(2), ‘or given a negative prescribed notice or negative exemption notice’—	7
	<i>omit, insert—</i>	8
	a negative notice	9
		10
21	Section 140AG, ‘or given a negative prescribed notice or negative exemption notice’—	11
	<i>omit, insert—</i>	12
	a negative notice	13
		14
22	Section 140AG, ‘issued or given’—	15
	<i>omit, insert—</i>	16
	issued	17
23	Section 140AG, ‘or give’—	18
	<i>omit.</i>	19
24	Section 140AH, ‘or given a negative prescribed notice or negative exemption notice’—	20
	<i>omit, insert—</i>	21
	a negative notice	22
		23

25	Section 140AH(1), ‘issued or given’—	1
	<i>omit, insert—</i>	2
	issued	3
26	Section 140AH(2), ‘or give’—	4
	<i>omit.</i>	5
27	Section 140A(4)(b)—	6
	<i>omit, insert—</i>	7
	(b) notifies the chief executive that the person	8
	holds a working with children authority or	9
	has made a working with children check	10
	application.	11
28	Section 141B(1), ‘current positive prescribed notice or current positive exemption notice’—	12 13
	<i>omit, insert—</i>	14
	working with children authority	15
29	Section 141H(1)(a)—	16
	<i>omit, insert—</i>	17
	(a) the nominee has made a working with	18
	children check application and the	19
	application is withdrawn;	20
30	Section 141H(1)(c) to (e)—	21
	<i>omit, insert—</i>	22
	(c) the nominee must, under the Working with	23
	Children Act, section 323, notify the chief	24
	executive (employment screening) of a	25
	change in police information under that Act;	26

	(d) the nominee becomes aware a working with children check application made by a relevant person for the licence is withdrawn;	1 2 3
	(e) the nominee becomes aware a relevant person for the licence—	4 5
	(i) is charged with a disqualifying offence or convicted of a serious offence; or	6 7
	(ii) is issued with a negative notice.	8
31	Section 141H(3)(b)—	9
	<i>omit, insert—</i>	10
	(b) if the person has a working with children authority—the registration number for the person’s working with children card.	11 12 13
32	Section 141I(1)(a)—	14
	<i>omit, insert—</i>	15
	(a) the director makes a working with children check application and the application is withdrawn;	16 17 18
33	Section 141I(1)(c)—	19
	<i>omit, insert—</i>	20
	(c) the director must, under the Working with Children Act, section 323, notify the chief executive (employment screening) of a change in police information under that Act.	21 22 23 24
34	Section 142, definition <i>police information</i>, ‘current positive prescribed notice or current positive exemption notice’—	25 26 27
	<i>omit, insert—</i>	28
	working with children authority	29

35	Section 148A(1)—	1
	<i>omit, insert—</i>	2
	(1) This section applies if—	3
	(a) for a person who has applied for a certificate of approval—	4
	(i) the person stops being an applicant for the certificate; or	5
	(ii) a person stops being an adult member of the person’s household; or	6
	(iii) the chief executive refuses the person’s application for the certificate; or	7
	(b) for a person who is an approved carer—the person stops being an approved carer; or	8
	(c) for a person who is an adult member of an approved carer’s household—	9
	(i) the person stops being a member of the household; or	10
	(ii) the approved carer stops being an approved carer.	11
36	Section 148A(3)(b)—	12
	<i>omit, insert—</i>	13
	(b) if the person has a working with children authority—the registration number of the person’s working with children card.	14
37	Section 148B(1)—	15
	<i>omit, insert—</i>	16
	(1) The chief executive may ask the chief executive (employment screening) for the following information—	17
		18
		19

(a) information about whether a relevant person—	1 2
(i) has a working with children authority or negative notice; or	3 4
(ii) has a working with children authority that is suspended under the Working with Children Act; or	5 6 7
(iii) has made a working with children check application;	8 9
(b) if the relevant person has a working with children authority—the expiry date for the authority;	10 11 12
(c) if the relevant person has a negative notice—the date of issue of the notice.	13 14
38 Section 148D—	15
<i>omit, insert—</i>	16
148D Pending application for prescribed notice	17
(1) Subsection (2) applies if, when a person turns 18 years—	18 19
(a) the person is a member of the household of an approved carer or an applicant for a certificate of approval; and	20 21 22
(b) the person does not hold a working with children authority; and	23 24
(c) the person has made a working with children check application.	25 26
(2) The Working with Children Act, section 175 does not apply in relation to the person as an adult member of the household until the application is decided or withdrawn.	27 28 29 30
<i>Note—</i>	31
See the Working with Children Act, schedule 1, section 14(2) in relation to an adult member of an approved	32 33

	carer's household being taken to be engaged in regulated employment for that Act.	1 2
(3)	Subsection (4) applies if—	3
	(a) a corporation holds a licence; and	4
	(b) a person becomes the nominee for the licence or a director of the corporation; and	5 6
	(c) the person does not hold a working with children authority; and	7 8
	(d) the person is an applicant for a working with children check application.	9 10
(4)	The Working with Children Act, section 176B does not apply in relation to the person as the nominee for the licence or a director of the corporation until the application is decided or withdrawn.	11 12 13 14 15
	<i>Note—</i>	16
	See the Working with Children Act, section 13 and schedule 1, section 14(3) and (4) for when a person is engaged in regulated employment in relation to a licensed care service for that Act.	17 18 19 20
39	Schedule 2, 'current positive prescribed notice or current positive exemption notice'—	21 22
	<i>omit, insert—</i>	23
	working with children authority	24
40	Schedule 3, definitions <i>application, current, exemption notice, negative exemption notice, negative prescribed notice, positive exemption notice, positive prescribed notice and prescribed notice—</i>	25 26 27 28
	<i>omit.</i>	29
		30

41	Schedule 3—	1
	<i>insert—</i>	2
	<i>negative notice</i> see the Working with Children Act, schedule 7.	3 4
	<i>working with children authority</i> see the Working with Children Act, schedule 7.	5 6
	<i>working with children check application</i> see the Working with Children Act, schedule 7.	7 8
	Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004	9 10
1	Section 13T(2)(a) and (b)—	11
	<i>omit, insert—</i>	12
	(a) hold a working with children authority; or	13
	(b) make a working with children check application.	14 15
2	Section 13T(3), ‘positive notice or positive exemption notice’—	16 17
	<i>omit, insert—</i>	18
	working with children authority	19
3	Section 13W(4), ‘positive notice or positive exemption notice’—	20 21
	<i>omit, insert—</i>	22
	working with children authority	23

4	Schedule 5, definition <i>appearance notice</i>, paragraph (e)(ii), ‘applying for a prescribed notice or exemption notice’—	1 2 3
	<i>omit, insert—</i>	4
	making a working with children check application	5
5	Schedule 5, definition <i>appearance notice</i>, paragraph (e)(iii), ‘positive notice, positive notice blue card or positive exemption notice’—	6 7 8
	<i>omit, insert—</i>	9
	working with children authority or working with children card	10 11
6	Schedule 5, definitions <i>exemption notice, positive exemption notice, positive notice, positive notice blue card</i> and <i>prescribed notice</i>—	12 13 14
	<i>omit.</i>	15
7	Schedule 5—	16
	<i>insert—</i>	17
	<i>working with children authority</i> see the Working with Children Act, schedule 7.	18 19
	<i>working with children card</i> see the Working with Children Act, schedule 7.	20 21
	<i>working with children check application</i> see the Working with Children Act, schedule 7.	22 23
Community Services Act 2007		24
1	Section 107, note, paragraph (a), ‘chapter 8’—	25
	<i>omit, insert—</i>	26

chapter 7	1
Disability Services Act 2006	2
1 Section 42, note—	3
<i>omit, insert—</i>	4
<i>Notes—</i>	5
1 See the <i>Public Service Act 2008</i> , chapter 5, part 6 for employment screening of persons engaged or to be engaged as public service employees to provide disability services only to children.	6 7 8 9
2 See also the Working with Children Act, chapter 7 for employment screening for other persons engaged or to be engaged to provide disability services only to children.	10 11 12 13
2 Section 50(1), note—	14
<i>omit, insert—</i>	15
<i>Note—</i>	16
See also the <i>Public Service Act 2008</i> , chapter 5, part 6 for employment screening for the engagement of public service employees.	17 18 19
3 Section 50, ‘WWC positive notice’—	20
<i>omit, insert—</i>	21
working with children clearance	22
4 Section 51, ‘WWC positive notice’—	23
<i>omit, insert—</i>	24
working with children clearance	25

5	Section 59, ‘WWC positive notice’—	1
	<i>omit, insert—</i>	2
	working with children clearance	3
6	Section 61(3)(b)(i), from ‘is the holder’ to ‘WWC positive notice is’—	4
	<i>omit, insert—</i>	5
	holds a working with children clearance that is	6
		7
7	Section 61(3), note, ‘WWC positive notice’—	8
	<i>omit, insert—</i>	9
	working with children clearance	10
8	Section 62(1), ‘be the holder of a WWC positive notice’—	11
	<i>omit, insert—</i>	12
	hold a working with children clearance	13
9	Section 62(2)(a) to (c)—	14
	<i>omit, insert—</i>	15
	(a) whether or not the person holds a working with children clearance and, if so, the expiry date for the clearance; and	16
		17
		18
	(b) if the person holds a working with children clearance—	19
	(i) whether or not the person’s working with children clearance has been suspended under the Working with Children Act; and	20
		21
		22
	(ii) whether the chief executive may need to undertake further screening under this part.	23
		24
10	Section 62(3)(d), ‘WWC positive notice’—	25
	<i>omit, insert—</i>	26

	working with children clearance	1
11	Section 64(2), ‘WWC positive notice’—	2
	<i>omit, insert—</i>	3
	working with children clearance	4
12	Section 67A(b), ‘WWC positive notice’—	5
	<i>omit, insert—</i>	6
	working with children clearance	7
13	Section 68(1)(b), ‘WWC positive notice’—	8
	<i>omit, insert—</i>	9
	working with children clearance	10
14	Section 88, ‘WWC positive notice’—	11
	<i>omit, insert—</i>	12
	working with children clearance	13
15	Section 89, ‘WWC positive notice’—	14
	<i>omit, insert—</i>	15
	working with children clearance	16
16	Section 90(1)(b)—	17
	<i>omit, insert—</i>	18
	(b) the person no longer holds a working with children clearance.	19 20
17	Section 90(3) and (4)(b), ‘WWC positive notice’—	21
	<i>omit, insert—</i>	22

	working with children clearance	1
18	Part 5, division 9, heading, ‘WWC positive notice’—	2
	<i>omit, insert—</i>	3
	working with children clearance	4
19	Section 95, ‘WWC positive notice’—	5
	<i>omit, insert—</i>	6
	working with children clearance	7
20	Section 96, ‘WWC positive notice’—	8
	<i>omit, insert—</i>	9
	working with children clearance	10
21	Section 108, definition <i>part 5 reviewable decision</i>, paragraph (c), ‘WWC positive notice’—	11
	<i>omit, insert—</i>	12
	working with children clearance	13
22	Section 132(7)(a), ‘WWC positive notice’—	14
	<i>omit, insert—</i>	15
	working with children clearance	16
23	Schedule 8, definition <i>WWC positive notice</i>—	17
	<i>omit.</i>	18
24	Schedule 8—	19
	<i>insert—</i>	20
	<i>working with children clearance</i> see the	21
		22

	Working with Children Act, section 220(2).	1
	Education (Accreditation of Non-State Schools) Act 2017	2 3
1	Section 19(1)(c)(ii), ‘current positive notices or current positive exemption notices’— <i>omit, insert—</i> the working with children cards	4 5 6 7
2	Section 26(3), from ‘has’— <i>omit, insert—</i> has a working with children authority.	8 9 10
3	Section 39(4), ‘current positive notices or current positive exemption notices’— <i>omit, insert—</i> the working with children cards	11 12 13 14
4	Section 130(2), ‘current positive notice or current positive exemption notice’— <i>omit, insert—</i> working with children authority	15 16 17 18
5	Section 169, ‘current positive notice or current positive exemption notice’— <i>omit, insert—</i> working with children card	19 20 21 22

6	Schedule 1, definitions <i>negative exemption notice, negative notice, positive exemption notice and positive notice</i>—	1 2 3
	<i>omit.</i>	4
7	Schedule 1—	5
	<i>insert—</i>	6
	<i>working with children authority</i> means a working with children authority under the <i>Working with Children (Risk Management and Screening) Act 2000</i> that is not suspended under that Act.	7 8 9 10 11
Education and Care Services Act 2013		12
1	Section 15(1)(a) to (c)—	13
	<i>omit, insert—</i>	14
	(a) holds a working with children authority; or	15
	(b) has made a working with children check (exemption) application and the application has not been decided or withdrawn.	16 17 18
2	Section 39(9)(a) and (b)—	19
	<i>omit, insert—</i>	20
	(a) holds a working with children authority; or	21
	(b) has made a working with children check (exemption) application and the application has not been decided or withdrawn.	22 23 24

3	Section 39(10), ‘section 197’—	1
	<i>omit, insert—</i>	2
	section 176B	3
4	Section 39(10), ‘current positive notice’—	4
	<i>omit, insert—</i>	5
	working with children clearance	6
5	Section 39(10)(b), ‘applies for a prescribed notice’—	7
	<i>omit, insert—</i>	8
	makes a working with children check application	9
6	Section 39(11), ‘section 259’—	10
	<i>omit, insert—</i>	11
	section 176G	12
7	Section 39(11), ‘current positive exemption notice’—	13
	<i>omit, insert—</i>	14
	working with children exemption	15
8	Section 91(4)(b), from ‘provider’—	16
	<i>omit, insert—</i>	17
	provider—	18
	(i) holds a working with children authority or negative notice; or	19 20
	(ii) has made a working with children check application.	21 22

9	Section 126(1)(b), ‘ stops having a current positive notice or current positive exemption notice’—	1 2
	<i>omit, insert—</i>	3
	stops holding a working with children authority	4
10	Section 133(1)(a)—	5
	<i>omit, insert—</i>	6
	(a) the carer knows, or ought reasonably to know, that a prohibition notice is in force for an occupant of the home; or	7 8 9
11	Section 178(1)(c), ‘a current positive notice or current positive exemption notice’—	10 11
	<i>omit, insert—</i>	12
	a working with children authority	13
12	Section 190(1) to (3)—	14
	<i>omit, insert—</i>	15
	(1) An authorised officer may ask a carer who provides stand-alone education and care in a home to ensure a person makes a working with children check application if the officer knows, or reasonably suspects, the person is an occupant of the home.	16 17 18 19 20 21
	<i>Note—</i>	22
	See also the Working with Children Act, schedule 1, section 4(2).	23 24
	(2) When asking the carer to ensure the person makes the application, the authorised officer must warn the carer that, if the person does not make the working with children check application within 14 days, the officer may give a direction that education and care must not be provided in the home.	25 26 27 28 29 30 31

	(3) Subsection (4) applies if—	1
	(a) the person does not make the working with children check application within 14 days;	2
	or	3
	(b) the person makes the working with children check application within 14 days but it is withdrawn before it is decided.	4
		5
		6
		7
13	Section 190(5), ‘has a current positive notice or current positive exemption notice’—	8
	<i>omit, insert—</i>	9
	holds a working with children authority	10
		11
14	Section 191(1)(f), from ‘apply for’—	12
	<i>omit, insert—</i>	13
	ensure the adult makes a working with children check application.	14
		15
15	Section 191(2)(a) to (c)—	16
	<i>omit, insert—</i>	17
	(a) whether the individual has made a working with children check application and, if so—	18
	(i) the date of the application; and	19
	(ii) if the application has been withdrawn—the date of the withdrawal;	20
		21
		22
		23
	(b) whether the individual holds a working with children authority and, if so, the date of issue of the authority;	24
		25
		26
	(c) whether a negative notice is in force for the individual and, if so, the date of issue of the notice;	27
		28
		29

	(d) whether a working with children authority held by the individual has been cancelled and, if so, the date of the cancellation.	1 2 3
16	Section 200(2)(b), from ‘person’— <i>omit, insert—</i> person holds a working with children authority or negative notice or has made a working with children check application.	4 5 6 7 8
17	Section 200(3)(a)(ii), from ‘person’— <i>omit, insert—</i> person holds a working with children authority or negative notice or has made a working with children check application; and	9 10 11 12 13
18	Section 238, heading, ‘application for a prescribed notice or exemption notice’— <i>omit, insert—</i> working with children check application	14 15 16 17
19	Section 238(1)(b) and (c)— <i>omit, insert—</i> (b) an individual who does not hold a working with children authority becomes an executive officer of the corporation or a person with management or control of the service; and (c) the individual makes a working with children check application.	18 19 20 21 22 23 24 25 26

Schedule 2

20	Section 238(2), ‘, is withdrawn or lapses’—	1
	<i>omit, insert—</i>	2
	or is withdrawn	3
21	Section 239—	4
	<i>omit.</i>	5
22	Schedule 1, definitions <i>apply for an exemption notice, apply for a prescribed notice, negative exemption notice, positive exemption notice, positive notice and prescribed notice—</i>	6
	<i>omit.</i>	7
		8
		9
		10
23	Schedule 1—	11
	<i>insert—</i>	12
	<i>working with children authority</i> see the Working with Children Act, schedule 7.	13
		14
	<i>working with children check application</i> see the Working with Children Act, schedule 7.	15
		16
	<i>working with children check (exemption) application</i> see the Working with Children Act, schedule 7.	17
		18
		19
	<i>working with children clearance</i> see the Working with Children Act, section 220(2).	20
		21
24	Schedule 1, definition <i>disqualified person, ‘, a negative exemption notice’—</i>	22
	<i>omit.</i>	23
		24

Education and Care Services National Law (Queensland) Act 2011	1 2
1 Section 19, definitions <i>exemption notice</i> and <i>prescribed notice</i>—	3 4
<i>omit.</i>	5
2 Section 19—	6
<i>insert—</i>	7
<i>working with children authority</i> see the Working with Children Act, schedule 7.	8 9
<i>working with children check application</i> see the Working with Children Act, schedule 7.	10 11
3 Section 20(4)(b), from ‘person is’—	12
<i>omit, insert—</i>	13
person—	14
(i) holds a working with children authority; or	15
(ii) has made a working with children check application.	16 17
4 Section 21(4)(b), from ‘person is’—	18
<i>omit, insert—</i>	19
person—	20
(i) holds a working with children authority; or	21
(ii) has made a working with children check application.	22 23
5 Section 22(2)(a) to (c)—	24
<i>omit, insert—</i>	25

	(a) whether the individual has made a working with children check application and, if so—	1 2
	(i) the date of the application; and	3
	(ii) if the application has been withdrawn—the date of the withdrawal;	4 5 6
	(b) whether a working with children authority or negative notice is in force for the individual and, if so, the date the authority or notice was issued;	7 8 9 10
	(c) whether a working with children authority or negative notice held by the individual has been cancelled and, if so, the date of the cancellation.	11 12 13 14
6	Section 22(4), definitions <i>negative exemption notice</i>, <i>negative prescribed notice</i>, <i>positive exemption notice</i> and <i>positive prescribed notice</i>—	15 16 17
	<i>omit.</i>	18
7	Section 22(4)—	19
	<i>insert—</i>	20
	<i>negative notice</i> see the Working with Children Act, schedule 7.	21 22
	<i>working with children clearance</i> see the Working with Children Act, section 220(2).	23 24
	<i>working with children exemption</i> see the Working with Children Act, section 282(2).	25 26
8	Section 25—	27
	<i>omit.</i>	28

9	Section 26(2), ‘section 197’—	1
	<i>omit, insert—</i>	2
	section 176B	3
10	Section 26(2), ‘current positive prescribed notice’—	4
	<i>omit, insert—</i>	5
	working with children clearance	6
11	Section 26(2)(b), ‘applies for a prescribed notice’—	7
	<i>omit, insert—</i>	8
	makes a working with children check application	9
12	Section 26(3), ‘section 259’	10
	<i>omit, insert—</i>	11
	section 176G	12
13	Section 26(3), ‘current positive exemption notice’—	13
	<i>omit, insert—</i>	14
	working with children exemption	15
Education (General Provisions) Act 2006		16
1	Schedule 4, definition <i>serious offence</i>, ‘section 167’—	17
	<i>omit, insert—</i>	18
	section 15	19

Education (Queensland College of Teachers) Act 2005	1
1 Section 14, ‘positive notice’—	2
<i>omit, insert—</i>	3
working with children clearance	4
2 Section 15(9)(a)(i), from ‘a positive notice’ to ‘whose positive notice’—	5
<i>omit, insert—</i>	6
a working with children clearance under the Working with Children Act that	7
3 Section 15D, ‘positive notice’—	10
<i>omit, insert—</i>	11
working with children clearance	12
4 Section 285(4)(b)—	13
<i>omit, insert—</i>	14
(b) notifies the college that, under the Working with Children Act, the approved teacher—	15
(i) is the holder of a working with children authority or negative notice; or	16
(ii) has made a working with children check application.	17
5 Section 285AA(4)(b)(ii)—	21
<i>omit, insert—</i>	22
(ii) notifies the college that, under the Working with Children Act, the approved teacher—	23
(A) is the holder of a working with children authority or negative notice; or	24
	25
	26

	(B) has made a working with children check application.	1 2
6	Section 285A(1)(b)—	3
	<i>omit, insert—</i>	4
	(b) the chief executive (employment screening) has notified the college that, under the Working with Children Act, the registered teacher—	5 6 7 8
	(i) is the holder of a working with children exemption or negative notice; or	9 10
	(ii) has made a working with children check (exemption) application.	11 12
7	Schedule 3, definition <i>serious offence</i>, ‘section 167’—	13
	<i>omit, insert—</i>	14
	section 15	15
	Grammar Schools Act 2016	16
1	Section 40(4), ‘chapter 8’—	17
	<i>omit, insert—</i>	18
	chapter 7	19

	Police Powers and Responsibilities Act 2000	1
1	Section 789A, heading, ‘employment-screening document’—	2 3
	<i>omit, insert—</i>	4
	working with children card	5
2	Section 789A(1)(a), ‘an employment-screening document’—	6 7
	<i>omit, insert—</i>	8
	a working with children card	9
3	Section 789A(2), (4), (5) and (6), ‘employment-screening document’—	10 11
	<i>omit, insert—</i>	12
	working with children card	13
4	Section 789A(4), ‘the document’—	14
	<i>omit, insert—</i>	15
	the card	16
5	Section 789A(8), definition <i>employment-screening document</i>—	17 18
	<i>omit.</i>	19
6	Section 789A(8)—	20
	<i>insert—</i>	21
	<i>working with children card</i> see the Working with Children Act, schedule 7.	22 23

	Transport Operations (Passenger Transport) Act 1994	1
1	Section 28B(4B), from ‘current positive’—	2
	<i>omit, insert—</i>	3
	working with children clearance under the	4
	<i>Working with Children (Risk Management and</i>	5
	<i>Screening) Act 2000</i> that is not suspended under	6
	that Act.	7
2	Schedule 3, definition <i>category A driver disqualifying offence</i>, ‘section 170(b)’—	8
	<i>omit, insert—</i>	9
	section 18(b)	10
3	Schedule 3, definition <i>category B driver disqualifying offence</i>, paragraph (b)(i) and (ii)(B), ‘section 170(b)’—	12
	<i>omit, insert—</i>	13
	section 18(b)	14
4	Schedule 3, definition <i>relevant order</i>, paragraph (b), ‘section 170(b)’—	16
	<i>omit, insert—</i>	17
	section 18(b)	18
		19