

# **Criminal History Screening Legislation Amendment Bill 2010**

## **Explanatory Notes for Amendments to be moved during consideration in detail by the Honourable Karen Struthers MP**

### **Title of the Bill**

Criminal History Screening Legislation Amendment Bill 2010

### **Objective of the Amendments**

The objective of the amendments is to ensure the desired policy objectives can be achieved in full and as intended, achieve the intent of the proposed staged implementation of the changes, correct an incorrect reference and make minor typographical corrections.

### **Achievement of the Objectives**

The objectives are achieved by making amendments to the Criminal History Screening Legislation Amendment Bill 2010 (the Bill) as outlined below.

### **Estimated Cost for Government Implementation**

It is estimated that the passage of the amendments will result in implementation costs already proposed for implementation of the Bill in relation to the:

- communication of changes to stakeholders, and
- revision of forms.

### **Consistency with Fundamental Legislative Principles**

The amendments do not conflict with Fundamental Legislative Principles.

## Consultation

There has been no community consultation on the amendments. Consultation with relevant government stakeholders has occurred.

## Notes on Provisions

**Amendment 1** amends clause 58 to insert subsection (d) to clarify that employees in regulated employment for which an employer is required to develop and implement a risk management strategy about, to include persons for whom the employer has been notified there has been a change in police information under section 339. This subsection is substantially similar to the existing subsection in 99G(5)(d) under the unamended *Commission for Children and Young People and Child Guardian Act 2000*.

**Amendment 2** amends clause 103 in relation to the *Disability Services Act 2006* to clarify that sections 90, 90A and 90B do not apply to volunteers and makes a minor typographical correction in section 90B. Additionally a new section 90C is inserted to clarify the circumstances for engaging a volunteer at a service outlet. This is required due to the proposed staged implementation of the changes.

**Amendment 3** amends clause 104 in relation to the *Disability Services Act 2006* to achieve the intent of the proposed staged implementation of the changes.

**Amendment 4** amends clause 105 in relation to the *Disability Services Act 2006* to achieve the intent of the proposed staged implementation of the changes.

**Amendment 5** amends clause 106 in relation to the *Disability Services Act 2006* to achieve the intent of the proposed staged implementation of the changes.

**Amendment 6** amends clause 107 in relation to the *Disability Services Act 2006* to clarify this section will replace section 90C and inserts a new section 90D to provide for the continued engagement of a volunteer where an application has been submitted 30 days prior to expiry of the person's positive notice. These amendments are necessary to achieve the desired policy objectives and achieve the intent of the proposed staged implementation of the changes.

**Amendment 7** amends clause 156 in relation to the *Disability Services Act 2006* to:

- clarify that the proposed renewal period from two to three years commences in stage 2 to achieve the intent of the proposed staged implementation of the changes
- inserts new section 278A due to the omission of section 263 to clarify the currency of existing prescribed notices upon the commencement of the changed renewal period in stage 2
- inserts changes to section 287 to clarify the obligations on service providers in relation to the commencement of section 90C.

**Amendment 8** amends clause 175 in relation to the *Education (Queensland College of Teachers) Act 2005* due to an incorrect reference in relation to section 15D.

**Amendment 9** amends clause 182 in relation to the *Education (Queensland College of Teachers) Act 2005* to make a typographical correction.

**Amendment 10** amends clause 200 in relation to the *Education (Queensland College of Teachers) Act 2005* to clarify a transitional arrangement for the purpose of requests made before commencement for obtaining particular information from the police commissioner about particular persons.

**Amendment 11** amends clause 203 in relation to the *Evidence Act 1977* to clarify the circumstances for when a CCYPCG applicant or their lawyer do not commit certain offences when a summary of a section 93A transcript has been provided in relation to the making of an employment screening decision. Without the amendments a summary may be provided to the applicant but they may be liable for certain offences if the applicant is in possession of, supplies, offers to supply, copies or permits a person to copy the summary. Additionally, clarification was required to ensure the applicant was able to obtain legal advice in relation to the summary and the lawyer did not commit an offence.