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

Explanatory Notes

FOR

Amendments to Be Moved During Consideration in Detail by The Honourable Yvette D’Ath MP, Attorney-General and Minister for Justice and Leader of the House

Title of the Bill

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

Objectives of the Amendments

The policy objectives of the amendments are to:

- address minor and technical issues identified following introduction of the Bill;
- respond to minor issues raised in submissions made by the Office of the Information Commissioner (OIC) and the Non-State Schools Accreditation Board (NSSAB) on the Bill;
- ensure the most effective transition with regards to the issuing of blue cards post commencement of the ‘No Card, No Start’ amendments;
- provide stronger protections for children by elevating additional offences to the list of serious and disqualifying offences under the *Working with Children (Risk Management and Screening) Act 2000* (WWC Act);
- ensure equitable transition arrangements for current blue card holders at commencement who have a previous conviction for a new serious offence or new disqualifying offence as a result of the Bill; and
- establish a new framework for dealing with cardholders and applicants charged or convicted of a serious offence.

Achievement of the Objectives

The objectives of the proposed amendments will be achieved as detailed below.

Minor and technical amendments

The objective is achieved by making a range of technical and minor amendments to relevant clauses of the Bill.

Responding to minor issues raised by OIC and NSSAB

This objective is achieved by making some minor amendments to clauses 53 and 66 of the Bill.

In its submission to the Education, Employment and Small Business Committee (EESBC), the OIC noted that new sections 344B(3)(e), (4) and (5) as inserted by clause 53 of the Bill, in their current form, lead to a lack of clarity about the circumstances under which a person is permitted to use, disclose or give access to information obtained under new section 344A.

In response, minor amendments will remove the references to the information privacy principles and, in their place, explicitly prescribe additional circumstances in which a person may use, disclose or give access to the information. This will provide greater certainty. The additional circumstances which will be prescribed under new section 344B(3) provide that the use, disclosure or giving of access is permitted if it:

- is required to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or the health, safety or welfare of the public; or
- is required by a law enforcement agency to prevent, detect, investigate, prosecute or punish an offence.

As part of its submission to the EESBC, the NSSAB noted that new section 557 as inserted by clause 66 of the Bill refers to the ‘governing board’ of a non-state school and should instead be a ‘governing body’. A minor amendment will be made to address this issue.

Transitional arrangement – issuing of working with children cards

This objective is achieved by inserting new sections 568A and 571A into clause 66 of the Bill.

New sections 568A and 571A provide for further transitional arrangements to deal with the issuing of working with children cards in relation to existing prescribed notice applications and exemption notice applications which are made immediately before commencement but the chief executive does not approve until after commencement.

Serious offences

This objective is achieved by elevating to the serious offences list under Schedule 2 of the WWC Act the offences of:

- Manslaughter (section 303 of the Criminal Code – currently neither a serious nor disqualifying offence); and

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- Servitude offences (section 270.5 of the Criminal Code (Commonwealth) – currently neither serious nor disqualifying).

Disqualifying offences

This objective is achieved by making changes to the disqualifying offences list in Schedule 4 of the WWC Act to include the following offences:

- Cruelty to children under 16 (section 364 of the Criminal Code – currently a serious offence);
- Attempt to commit rape of an adult (section 350 of the Criminal Code – currently a serious offence);
- Assault with intent to commit rape of an adult (section 351 of the Criminal Code – currently a serious offence);
- Torture, if the offence was committed against a child (section 320A of the Criminal Code – currently a serious offence);
- Choking, suffocation or strangulation in a domestic setting (section 315A of the Criminal Code – currently neither a serious nor a disqualifying offence);
- Attempt to murder (section 306 of the Criminal Code – currently a serious offence);
- Conspiring to murder (section 309 of the Criminal Code – currently a serious offence);
- Servitude offences, if the offence was committed against a child (section 270.5 of the Criminal Code (Commonwealth) – currently neither a serious nor disqualifying offence);
- Offence of trafficking in children (section 271.4 of the Criminal Code (Commonwealth) – currently a serious offence); and
- Offence of domestic trafficking in children (section 271.7 of the Criminal Code (Commonwealth) – currently a serious offence).

Transitional arrangements – new serious offences and new disqualifying offences

This objective is achieved by amending clause 66 of the Bill to insert new sections 554A and 558 which provide revised transitional arrangements for persons who held a current positive notice or positive exemption notice immediately before commencement and were convicted of the new serious offence or new disqualifying offence before commencement.

Framework for dealing with cardholders and applicants charged or convicted of a serious offence

This objective is achieved by a series of amendments which provide:

- that an applicant with a charge for a serious offence will have their application withdrawn;
- a cardholder with a charge for a serious offence will have their card suspended and the chief executive will not be required to make a decision until the charge is finalised, including any appeals process; and
- as an interim measure, pending commencement of ‘No Card, No Start’, that an applicant with a conviction for a serious offence must not commence child-related work until their application has been assessed and a blue card issued.

The amendments address the future commencement of ‘No Card, No Start’ by making changes to the substantive provisions of the WWC Act (refer amendments 3, 5, 6 and 7) as well as the provisions, as inserted by the Bill (refer amendments 4 and 8). These

comprehensive amendments will enable the new framework that applies to cardholders and applicants charged with a serious offence to commence in advance of ‘No Card, No Start’.

Alternative Ways of Achieving Policy Objectives

There are no alternative ways to achieve the policy objectives.

Estimated Cost for Government Implementation

There are no additional costs to government in implementing the amendments.

Consistency with Fundamental Legislative Principles

Legislation has sufficient regard to the rights and liberties of individuals (section 4(2)(a) Legislative Standards Act 1992) – new serious and disqualifying offences – Amendments 30-34

New serious offences

The introduction of new serious offences under the WWC Act will apply retrospectively.

This means that a person who currently holds a blue card and has been previously convicted of a new serious offence will be reassessed but still able to carry out child-related work during this period.

The retrospective application is considered justified for the protection of children from harm and is consistent with the principle under section 6 of the WWC Act that the welfare and best interests of a child are paramount.

New disqualifying offences

The amendments expand the range of disqualifying offences under the WWC Act and will apply retrospectively. This means that a person who currently holds a blue card and has been previously convicted of a new disqualifying offence will be reassessed but still able to carry out child-related work during this period.

Further, the elevation of additional offences to disqualifying may be considered to have insufficient regard to the right and liberties of individuals as the amendments will result in the automatic and permanent exclusion of a broader range of persons from working or volunteering in child-related employment.

Under existing section 354 of the WWC Act, a person who is convicted of a disqualifying offence is afforded no review rights. This may be considered to be a breach of the fundamental legislative principle that administrative power should be sufficiently defined and subject to review.

However, the amendments are considered justified for the protection of children from harm and are consistent with the paramount principle under section 6 of the WWC Act.

Legislation has sufficient regard to the rights and liberties of individuals (section 4(2)(a) Legislative Standards Act 1992) – framework for dealing with cardholders and applicants charged or convicted of a serious offence – Amendments 3-8, 10 and 15

The amendments which introduce a new framework for dealing with applicants and cardholders charged or convicted of a serious offence are a potential departure from the principle that sufficient regard be given to the rights and liberties of individuals and, in particular, the right to obtain and keep employment and the right to conduct business without interference.

However, the framework is considered justified as it reduces risks to the safety and wellbeing of children by preventing persons with charges or convictions for serious offences from working with children until they have been issued with a working with children clearance.

Consultation

Consultation on the Bill was undertaken by the EESBC – there was general support for the Bill. Consultation on the elevation of some of the offences to the disqualification framework and the framework for dealing with cardholders and applicants charged or convicted of a serious offence was undertaken with members of the Blue Card Review Implementation Reference Group, the Queensland Law Society, the Bar Association of Queensland and the Local Government Association of Queensland.

NOTES ON PROVISIONS

Amendment 1 amends Clause 17 (Replacement of Chapter 7, Part 4, heading and Division 1) to address a minor grammatical issue in new section 176F(1).

Amendment 2 amends Clause 23 (Amendment of section 181 (Eligibility declaration taken to have been issued)) to ensure that the correct drafting command is applied to the insertion of new sections 181(a) and (b).

Amendment 3 inserts new Clause 26A which amends section 208 (Deemed withdrawal of consent to employment screening if charged with disqualifying offence etc.) and new Clause 26B which amends section 217 (Deemed withdrawal of application if person charged with disqualifying offence etc.) of the WWC Act.

Clause 26A changes the heading in section 208 to ‘Deemed withdrawal of consent to employment screening if charged with serious offence or disqualifying offence etc.’ and also expands section 208 so that it applies to an applicant for a positive notice who has been charged with a serious offence and seeks to undertake regulated employment

Clause 26B changes the heading in section 217 to ‘Deemed withdrawal of consent of application if person charged with serious offence or disqualifying offence etc.’ and also expands section 217 so that it applies to an applicant for a positive notice who has been charged with a serious offence and who seeks to carry on a regulated business.

Amendment 4 amends Clause 28 (Insertion of new Chapter 8, Parts 2 and 3) to provide that the heading of section 199 is ‘Deemed withdrawal – applicant charged with serious offence or disqualifying offence’ and expands section 199 so that it applies to an applicant that has been charged with a serious offence.

Amendment 5 amends the substantive provisions of the WWC Act by inserting new Clause 37A which amends section 240 (Suspension of a positive notice if charged with disqualifying offence or subject to temporary or interim order) and new Clause 37B which amends section 241 (Ending of suspension under section 240 and issue of further prescribed notice).

New Clause 37A amends the heading of section 240 to ‘Suspension of a positive notice if charged with serious offence or disqualifying offence or subject to temporary or interim order’ and expands section 240 so that it applies to a person with a current positive notice who has been charged with a serious offence.

New Clause 37B expands the application of section 241(9) so that it also applies to a pending charge for a serious offence.

Amendment 6 amends the substantive provisions of the WWC Act by inserting new Clause 39A which amends section 269 (Deemed withdrawal of consent to employment screening if charged with disqualifying offence etc.) and new Clause 39B which amends section 279 (Deemed withdrawal of application if charged with disqualifying offence etc.).

Clause 39A amends the heading in section 269 to read ‘Deemed withdrawal of consent to employment screening if charged with serious offence or disqualifying offence etc.’ and also expands section 269 so that it applies to an applicant for an exemption notice who has been charged with a serious offence and seeks to undertake regulated employment.

Clause 39B amends the heading in section 279 to read ‘Deemed withdrawal of application if charged with serious offence or disqualifying offence etc.’ and also expands section 279 so that it applies to an applicant for an exemption notice who has been charged with a serious offence and seeks to carry on a regulated business.

Amendment 7 amends the substantive provisions of the WWC Act by inserting new Clause 46A which amends section 298 (Suspension of a positive exemption notice if charged with disqualifying offence or subject to temporary or interim order) and new Clause 46B which amends section 299 (Ending of suspension and issue of further exemption notice).

New Clause 46A amends the heading of section 298 to read ‘Suspension of a positive exemption notice if charged with serious offence or disqualifying offence or subject to temporary or interim order’ and expands section 298 so that it applies to a person with a current positive exemption notice who has been charged with a serious offence.

New Clause 46B amends section 299(9) so that it also applies to a pending charge for a serious offence.

Amendment 8 amends the provisions of the Bill by amending Clause 48 (Insertion of new Chapter 8, Part 5A) so that Division 2 (Suspension of working with children authority) also applies to a person who holds a working with children authority who is charged with a serious offence.

Amendment 9 amends Clause 48 (Insertion of new Chapter 8, Part 5A) so as to remove the duplication of the word ‘see’ in the Note to new section 298(1).

Amendment 10 amends the provisions of the Bill by amending Clause 48 (Insertion of new Chapter 8, Part 5A) to provide under section 300(2) that the chief executive is not required to decide whether to cancel a person’s working with children authority where the application is made by the person, while a charge for a serious offence is pending against the person; or if the person has been convicted of a serious offence and the appeal process has not finalised.

Amendment 11 amends Clause 53 (Insertion of new sections 344A and 344B) to provide that the types of information the chief executive may give an authorised entity under section 344A(2) are to be read as alternatives.

Amendment 12 amends Clause 53 (Insertion of new sections 344A and 344B) to address the OIC’s submission. New section 344B(3)(e) to (h) as inserted by this amendment sets out further prescribed circumstances in which a person is able to use, disclose or give access to information obtained under new section 344A. The changes to the clause remove any reference to the privacy principles to eliminate any ambiguity.

Amendment 13 amends Clause 55 (Replacement of Chapter 8, Part 7, Division 1 (Replacement notice)) by omitting the cross-reference to ‘section 220(2)’ in new section 350B(2) and replacing it with the correct cross-reference to ‘section 220(3)’.

Amendment 14 amends Clause 60 (Replacement of Chapter 8A (Criminal history checks, and assessing suitability, of persons employed in the department)) to clarify that the examples of information reasonably necessary to identify and contact the person listed in section 357G(1)(a) are cumulative.

Amendment 15 amends the provisions of the Bill by amending Clause 66 (Insertion of new Chapter 11, Part 19) to insert new section 552A ‘Effect of pre-commencement charge for serious offence’ and new section 552B ‘Applicant in paid employment convicted of serious offence’.

New section 552A provides that for applying the Act, a person who is the subject of a charge for a serious offence that has not been dealt with on the commencement will be taken to have been charged with the offence on commencement.

New section 552B applies to applicants in paid employment convicted of a serious offence. Subsection (1) provides that section 552B applies if, before commencement of the amendment Act, section 28, a prescribed notice application was made about a person under section 199 and the application relates to the person’s employment, or proposed employment, in regulated employment other than as a volunteer, and the chief executive becomes aware the person was convicted of a serious offence.

Subsection (2) requires the chief executive to give the person a written notice that states that the person is no longer allowed to perform work that is regulated employment before the person's application is decided; and that it is an offence for the person to perform work that is regulated employment, or to start in regulated employment, unless the person is issued with a positive notice.

Subsection (3) provides that a person employed in regulated employment who receives a notice under subsection (2) is prohibited from performing work that is regulated employment or starting in regulated employment unless the person is issued with a positive notice. The maximum penalty for this offence is set at 500 penalty units or 5 years imprisonment.

Subsection (4) provides that the chief executive must also give a written notice to each notifiable person for the person that states that the person is prohibited from working in regulated employment before the application is decided; and that it is an offence for the employer to allow the person to start or continue to perform regulated employment unless the person is issued with a positive notice.

Subsection (5) provides that if the chief executive gives an employer a notice about a person (the employee) under subsection (4), the employer must not allow the employee to start or continue to perform regulated employment unless the employee is issued a positive notice. The maximum penalty for an employer who allows an employee to start or continue in regulated employment is 200 penalty units or 2 years imprisonment.

Subsection (6) provides an employer may not dismiss the employee solely or mainly because the employer has been issued with a notice under subsection (4).

Subsection (7) provides that section 356 applies in relation to the employer as if a reference in that section to this chapter includes a reference to this section.

Subsection (8) provides that new section 552B applies despite chapter 8, part 4, division 4.

Amendment 16 amends Clause 66 (Insertion of new Chapter 11, Part 19) to provide that the heading of Part 19, Division 3 is 'New serious offences and disqualifying offences'.

Amendment 17 amends Clause 66 (Insertion of new Chapter 11, Part 19) to insert a definition for 'new serious offence' in section 553 and new section 553A which deals with the effect of a conviction or charge for a new serious offence.

A 'new serious offence' is defined to mean an offence that is a serious offence, but was not a serious offence immediately before commencement (i.e. an offence which is added to the list of serious offences in Schedule 2 under the amendments).

New section 553A(1) and (2) provides that the WWC Act applies in relation to a person who is charged with, or convicted of, a new serious offence even if the charge, conviction, or the acts or omissions constituting the alleged offence, happened before the commencement.

New section 553A(3) provides that for applying the WWC Act to the holder of a current positive notice or current positive exemption notice, a person convicted of a new serious

offence before commencement is taken to have been convicted of the offence on commencement; and a person the subject of charge for a new serious offence that has not been dealt with on commencement is taken to have been charged with the offence on commencement.

Amendment 18 amends Clause 66 (Insertion of new Chapter 11, Part 19) by omitting section 554(3), as provided under the Bill, as introduced, and inserting a new section 554(3). New section 554(3) provides that for applying the WWC Act to the holder of a current positive notice or current positive exemption notice, a person the subject of charge for a new disqualifying offence that has not been dealt with on commencement is taken to have been charged with the offence on commencement.

Amendment 18 also amends Clause 66 (Insertion of new Chapter 11, Part 19), to insert new section 554A ‘Effect of conviction for new disqualifying offence on existing positive notice or positive exemption notice’.

New section 554A applies to a person who holds a current positive notice or current positive exemption notice immediately before commencement and has been previously convicted of a new disqualifying offence before commencement.

In applying the WWC Act to existing positive notice or positive exemption notice holders, subsection (2) provides the previous conviction for a new disqualifying offence before commencement is taken to be, or to continue to be, a serious offence, despite the enactment of the amending Act.

Subsection (3) provides that if the person applies for another positive notice or positive exemption notice after the commencement, or section 557 or 558 apply, the person’s previous conviction for a new disqualifying offence before commencement is taken to be, or to continue to be, a conviction for a serious offence and the person is taken not to be a disqualified person or relevant disqualified person in relation to the person’s conviction.

Amendment 19 amends Clause 66 (Insertion of new Chapter 11, Part 19) to address a minor issue raised by the NSSAB to clarify that the accreditation board must be given a written notice about the withdrawal of a prescribed notice or exemption notice application under new section 557(3) if the person is the director of a school’s governing body.

Amendment 20 amends Clause 66 (Insertion of new Chapter 11, Part 19) to change the heading of new section 558 to ‘Existing positive notice or positive exemption notice held by person convicted of new serious offence or new disqualifying offence’.

New section 558 is also amended to provide that existing positive notice or positive exemption notice holders immediately before commencement with a conviction for a new serious offence or a new disqualifying offence that is taken to be a serious offence under section 554A(2) will be reassessed.

New subsection (1A) provides that section 322 does not apply to the person in relation to the person’s conviction for the offence.

New subsection (1B) provides the chief executive must consider whether it is appropriate to cancel the person's positive notice or positive exemption notice under this section because of the person's conviction for the offence and give the person and each notifiable person for the person, a notice stating that, because of the enactment of the amending Act, the chief executive is considering whether the person should continue to hold their positive notice or positive exemption notice.

Amendment 21 amends Clause 66 (Insertion of new Chapter 11, Part 19) to insert new section 558(6) which provides that the chief executive must provide a notice to the person and each notifiable person for the person if the chief executive is satisfied the person should continue to hold the person's positive notice or positive exemption notice.

Amendment 22 amends Clause 66 (Insertion of new Chapter 11, Part 19) to insert the definition for 'exemption card' in new section 566.

Amendment 23 amends Clause 66 (Insertion of new Chapter 11, Part 19) to update the cross-references in new section 568(5) and (7) to 'chapter 7, part 4, division 2'.

Amendment 24 amends Clause 66 (Insertion of new Chapter 11, Part 19) to insert new section 568A 'Transitioning to issuing working with children card for clearance that includes holder's photograph'.

New section 568A(1) clarifies that the section applies if the chief executive approves an existing prescribed notice application which is made before the commencement.

New section 568A(2) provides that the chief executive may comply with section 232A despite issuing a positive notice blue card to a person after commencement.

New section 568A(3) deems that a positive notice blue card issued by the chief executive to the person after commencement is taken to be a working with children card issued to the person under section 232A.

New section 568A(4) clarifies that it does not matter that a positive notice blue card issued to a person under subsection (2) does not include a photograph of the person.

Amendment 25 amends Clause 66 (Insertion of new Chapter 11, Part 19) to insert new section 571A 'Transitioning to issuing working with children card for exemption that includes holder's photograph'.

New section 571A(1) clarifies that the section applies if the chief executive approves, within six months after the commencement, an existing exemption notice application which is made before the commencement.

New section 571A(2) provides that, despite section 289, a working with children exemption issued to the person expires three years from the date of commencement.

New section 571A(3) provides that the chief executive may comply with section 290A despite issuing an exemption card to a person after commencement. New section 571A(4) deems that an exemption card issued by the chief executive to the person after

commencement is taken to be a working with children card issued to the person under section 290A.

New section 571A(5) clarifies that it does not matter that an exemption card issued to a person under subsection (3) does not include a photograph of the person or an expiry date for the person's working with children exemption.

Amendment 26 amends Clause 66 (Insertion of new Chapter 11, Part 19) to omit the definition in new section 572(6) as this is no longer necessary.

Amendment 27 amends Clause 66 (Insertion of new Chapter 11, Part 19) to address an incorrect cross-reference in new section 577(2).

Amendment 28 amends Clause 66 (Insertion of new Chapter 11, Part 19) to address a minor grammatical issue in the heading of new section 581.

Amendment 29 amends Clause 66 (Insertion of new Chapter 11, Part 19) to address a minor grammatical issue in the heading of new section 586.

Amendment 30 inserts new clause 69A 'Amendment of Schedule 2 (Current serious offences)'. Clause 69A elevates the offence of manslaughter to the serious offence list by removing the existing qualifier in column 3 which applies to the offence of 'unlawful homicide'.

Clause 69A also introduces the offence of choking, suffocation or strangulation in a domestic setting to the serious offences list in line with the existing decision-making framework in the WWC Act which provides all disqualifying offences are also serious offences.

Clause 69A also removes from the serious offences list the repealed Commonwealth offence of sexual servitude (section 270.6 Criminal Code (Cwlth)) and replaces it with the Commonwealth offences of servitude (section 270.5 Criminal Code (Cwlth)); trafficking in children (section 271.4 Criminal Code (Cwlth)); and domestic trafficking in children (section 271.7 Criminal Code (Cwlth)).

Clause 69B inserts the repealed Commonwealth offence of sexual servitude (section 270.6 Criminal Code (Cwlth)) as an entry into Schedule 3 (Repealed or expired serious offences) list.

Amendment 31 amends Clause 70 (Amendment of Schedule 4 (Current disqualifying offences)) by inserting the following entries for the Criminal Code:

- Section 306 (Attempt to murder);
- Section 309 (Conspiring to murder);
- Section 315A (Choking, suffocation or strangulation in a domestic setting); and
- Section 320A (Torture) with the qualifier – if the offence was committed against a child.

Amendment 32 amends Clause 70 (Amendment of Schedule 4 (Current disqualifying offences)) to insert the offence of Cruelty to children under 16 (Section 364 Criminal Code).

Amendment 33 amends Clause 70 (Amendment of Schedule 4 (Current disqualifying offences)) by building on the amendment as introduced in the Bill which removed the child qualifier which applies to section 349 (Rape) and extends this to the following entries for the Criminal Code:

- Section 350 (Attempt to rape); and
- Section 351 (Assault with intent to commit rape).

The net effect of these amendments is that the offences of rape, attempt to rape; and assault with intent to commit rape will be treated as disqualifying, whether the offence was committed against a child or an adult.

Amendment 34 amends Clause 70 (Amendment of Schedule 4 (Current disqualifying offences)) to remove the entry for sexual servitude (section 270.6 Criminal Code (Cwlth)) and insert the following entries for the Criminal Code (Cwlth):

- Section 270.5 (Servitude offences) with the qualifier – if the offence was committed against a child;
- Section 271.4 (Offence of trafficking in children); and
- Section 271.7 (Offence of domestic trafficking in children).

Clause 35 inserts new clause 70A ‘Amendment of Schedule 5 (Repealed or expired disqualifying offences)’ to insert the repealed Commonwealth sexual servitude offences (section 270.6 Criminal Code (Cwlth)).

Amendment 36 amends Clause 71 (Amendment of Schedule 7 (Dictionary)) to remove an unnecessary word in the definition of ‘issue’.

Amendment 37 amends Clause 85 (Amendment of Schedule 4 (Dictionary)) to omit the definition of ‘working with children exemption’ for Chapter 5, Part 6, Division 3 of the *Public Service Act 2008*.

Amendment 38 amends Schedule 1 (Amendment of *Working with Children (Risk Management and Screening) Act 2000*), section 330(3), to remove the reference to ‘chapter 8’ in the Note.

Amendment 39 amends Schedule 1 (Amendment of *Working with Children (Risk Management and Screening) Act 2000*) by inserting new Clause 76A which amends section 356(1) to extend the application of section 356 to provide that an employer must comply with a provision of chapter 7 (which includes the No Card, No Start requirement) , despite another Act or law or any industrial award or agreement, if that provision of chapter 7 requires an employer to not employ, or continue to employ, an employee in regulated employment.

Amendment 40 amends Schedule 2 (Acts amended) to address a minor grammatical issue in new section 148A(3)(b) of the *Child Protection Act 1999* (CP Act).

Amendment 41 amends Schedule 2 (Acts amended) to change the heading of section 148D of the CP Act to ‘Pending working with children check application’.

Amendment 42 amends Schedule 2 (Acts amended) to update the cross-references in new section 148D(2) of the CP Act.

Amendment 43 amends Schedule 2 (Acts amended) to update the note which accompanies new section 148D(4) of the CP Act.

Amendment 44 amends Schedule 2 (Acts amended) to remove the definitions of ‘working with children clearance’ and ‘working with children exemption’ from section 22(4) of the *Education and Care Services National Law (Queensland) Act 2011*.

Amendment 45 amends Schedule 2 (Acts amended) to insert the definitions of ‘working with children clearance’ and ‘working with children exemption’ into section 26(5) of the *Education and Care Services National Law (Queensland) Act 2011*.

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