



Queensland

Child Protection Reform Amendment Bill 2014

Includes amendments agreed during Consideration



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Child Protection Reform Amendment Bill 2014

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2014

A Bill

for

An Act to amend the *Child Protection Act 1999*, the *Childrens Court Act 1992*, the *Commission for Children and Young People and Child Guardian Act 2000*, the *Magistrates Act 1991*, the *Ombudsman Act 2001* and the *Public Health Act 2005* for particular purposes and to make consequential amendments to the Acts mentioned in schedule 1

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Child Protection Reform Amendment Act 2014*.

2 Commencement

- (1) Parts 3 and 5 commence on assent.
- (2) The remaining provisions of this Act, other than the provisions mentioned in subsection (3), commence on 1 July 2014.
- (3) The following provisions commence on a day, on or after 1 July 2014, to be fixed by proclamation—
 - (a) sections 5, 6, 8, 16(2), 22, 25(1) and 26(1);
 - (b) section 40(2) to the extent it inserts new definitions *registered nurse*, *reportable suspicion*, *school* and *teacher*;
 - (c) part 7.

Part 2 Amendment of Child Protection Act 1999

3 Act amended

This part amends the *Child Protection Act 1999*.

4 Amendment of s 7 (Chief executive's functions)

Section 7(1)(p), after 'died'—

insert—

or who have suffered serious physical injury

5 Amendment of s 10 (Who is a *child in need of protection*)

Section 10(a)—

omit, insert—

- (a) has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm; and

6 Insertion of new ch 2, pt 1AA

Chapter 2—

insert—

**Part 1AA Informing the chief
executive about harm
or risk of harm to
children**

Division 1 General

13A Action by persons generally

- (1) Any person may inform the chief executive if the person reasonably suspects—
 - (a) a child may be in need of protection; or
 - (b) an unborn child may be in need of protection after he or she is born.

[s 6]

- (2) The information given may include anything the person considers relevant to the person's suspicion.

13B Action by relevant persons under other provisions

- (1) Under division 2, if a relevant person has a reportable suspicion about a child, the person is required to report the matter to the chief executive.
- (2) If a relevant person does not have a reportable suspicion about a child but considers the child is likely to become a child in need of protection if no preventative support is given, the person may take other appropriate action under this Act.
- (3) For example, if the relevant person is a prescribed entity to which section 159M applies, the person may give information under that section to a service provider so the service provider can offer help and support to the child or child's family to stop the child becoming a child in need of protection.

13C Considerations when forming a reasonable suspicion about harm to a child

- (1) This section applies to a person in forming a reasonable suspicion, for section 13A(1) or division 2, about whether a child has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm.
- (2) The matters that the person may consider include—
 - (a) whether there are detrimental effects on the child's body or the child's psychological or emotional state—

- (i) that are evident to the person; or
 - (ii) that the person considers are likely to become evident in the future; and
- (b) in relation to any detrimental effects mentioned in paragraph (a)—
- (i) their nature and severity; and
 - (ii) the likelihood that they will continue; and
- (c) the child's age.
- (3) The person's consideration may be informed by an observation of the child, other knowledge about the child or any other relevant knowledge, training or experience that the person may have.

13D Protection from liability

Section 197A provides for protection from liability for information given under this part.

Division 2 Mandatory reporting by particular persons

13E Mandatory reporting by persons engaged in particular work

- (1) This section applies to a person (a *relevant person*) who is any of the following —
- (a) a doctor;
 - (b) a registered nurse;
 - (c) a teacher;
 - (d) a police officer who, under a direction given by the commissioner of the police service under the *Police Service Administration Act*

[s 6]

1990, is responsible for reporting under this section;

- (e) a person engaged to perform a child advocate function under the *Public Guardian Act 2014*.
- (2) For this section, a ***reportable suspicion*** about a child is a reasonable suspicion that the child—
- (a) has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse; and
 - (b) may not have a parent able and willing to protect the child from the harm.
- (3) If a relevant person forms a reportable suspicion about a child in the course of the person's engagement as a relevant person, the person must give a written report to the chief executive under section 13G.

13F Mandatory reporting relating to children in departmental or licensed care services

- (1) This section applies to a person (a ***relevant person***) who is any of the following—
- (a) an authorised officer;
 - (b) a public service employee employed in the department;
 - (c) a person employed in a departmental care service or licensed care service.
- (2) For this section, a ***reportable suspicion*** about a child in care is a reasonable suspicion that the child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse.

- (3) If a relevant person forms a reportable suspicion about a child in care, the person must give a written report to the chief executive under section 13G.
- (4) In this section—
child in care means a child placed in the care of an entity conducting a departmental care service or a licensee.

13G Report to the chief executive

- (1) This section applies to a report that a relevant person is required to give under section 13E or 13F.
- (2) The report must—
 - (a) state the basis on which the person has formed the reportable suspicion; and
 - (b) include the information prescribed by regulation, to the extent of the person's knowledge.
- (3) The person is not required to give a report about a matter if—
 - (a) giving the report might tend to incriminate the person; or
 - (b) the person knows, or reasonably supposes, that the chief executive is aware of the matter.
- (4) A regulation may prescribe the way the report must be given.
- (5) To remove any doubt, it is declared that a person does not commit an offence against this or another Act only because the person omits to do an act required under section 13E(3) or 13F(3) or this section.

[s 6]

13H Conferrals with colleague and related information sharing

- (1) A relevant person may give information to a colleague, and a colleague may give information to a relevant person, for any of the following purposes—
 - (a) for the relevant person to form a suspicion about whether a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse;
 - (b) in the case of a relevant person under section 13E—for the relevant person to form a suspicion about whether a child has a parent able and willing to protect the child from harm mentioned in paragraph (a);
 - (c) for the relevant person to give a report under section 13G or keep a record about giving a report;
 - (d) for the relevant person or colleague to take appropriate action to deal with suspected harm or risk of harm to a child.

Example for paragraph (d)—

A teacher with a reportable suspicion about a child under section 13E may give information to the principal at the school to enable the principal to take appropriate action to protect the child or other children from risk of harm.

- (2) In this section—

colleague, of a relevant person, means a person working in or for the same entity as the relevant person.

13I Reporting obligation arises when reportable suspicion is formed

To remove any doubt, it is declared that—

- (a) a relevant person is not required to give a report under section 13G until the person has formed a reportable suspicion about a child; and

Example—

After observing injuries on a child's body, a doctor or teacher considers it possible that a parent of the child has physically abused the child or failed to protect the child from physical abuse. After obtaining further information about the family's circumstances, the doctor or teacher forms a reportable suspicion about the child under section 13E.

- (b) once a relevant person has formed a reportable suspicion about a child, the person must comply with section 13G even though the person is taking, or has taken, other action in relation to the child.

13J Particular reports to be given to public guardian

As soon as practicable after receiving a report required by section 13F, the chief executive must give a copy to the public guardian to help the public guardian perform the public guardian's child advocate functions under the *Public Guardian Act 2014*.

7 Amendment of s 14 (Investigation of alleged harm)

- (1) Section 14, heading, 'Investigation'—

omit, insert—

Substantiation

- (2) Section 14(1)(a)—

omit, insert—

- (a) have an authorised officer investigate the allegation, assess whether the alleged harm

[s 8]

or risk of harm can be substantiated and, if it can, assess the child's protective needs; or

- (3) Section 14(1), editor's note—

omit.

**8 Amendment, renumbering and relocation of s 22
(Protection from liability for notification of, or information given about, alleged harm or risk of harm)**

- (1) Section 22, heading—

omit, insert—

22 Protection from liability for giving information about alleged harm or risk of harm

- (2) Section 22(1)—

omit, insert—

- (1) This section applies if a person, acting honestly and reasonably—
- (a) gives information to the chief executive under chapter 2, part 1AA; or
 - (b) otherwise notifies the chief executive or another public service employee employed in the department that the person suspects—
 - (i) a child has suffered harm, is suffering harm or is at risk of suffering harm; or
 - (ii) an unborn child may be at risk of harm after he or she is born; or
 - (c) otherwise gives the chief executive, an authorised officer or a police officer—
 - (i) information about alleged harm or alleged risk of harm to a child; or
 - (ii) information, relating to an unborn child, about a suspected risk of harm to the child after he or she is born; or

(d) gives information to a relevant person or colleague of a relevant person under section 13H.

(3) Section 22—

relocate to chapter 6, part 7 and *renumber* as section 197A.

9 Amendment of s 126 (Restrictions on granting application)

Section 126(d), ‘Commissioner’s Act’—

omit, insert—

Working with Children Act

10 Amendment of s 129A (Licensee’s obligations)

Section 129A(c), ‘Commissioner’s Act’—

omit, insert—

Working with Children Act

11 Amendment of s 139 (Authority may be suspended or cancelled)

Section 139(1)(h)(i), ‘Commissioner’s Act’—

omit, insert—

Working with Children Act

12 Amendment of s 140AB (Definitions for sdiv 3)

Section 140AB, definitions *apply for a review and prescribed provision*, ‘Commissioner’s Act’—

omit, insert—

Working with Children Act

[s 13]

13 Amendment of s 140A (Chief executive to give particular information to children's commissioner)

- (1) Section 140A, 'children's commissioner'—
omit, insert—
chief executive (employment screening)
- (2) Section 140A, 'Commissioner's Act'—
omit, insert—
Working with Children Act

14 Amendment of s 141H (Nominee for licence)

- (1) Section 141H(1)(c), 'children's commissioner'—
omit, insert—
chief executive (employment screening)
- (2) Section 141H(1)(c) and (3)(b), 'Commissioner's Act'—
omit, insert—
Working with Children Act

15 Amendment of s 141I (Director of licensee)

- (1) Section 141I(1)(c), 'Commissioner's Act'—
omit, insert—
Working with Children Act
- (2) Section 141I(1)(c), 'children's commissioner'—
omit, insert—
chief executive (employment screening)

16 Amendment and omission of s 148 (Obligation to report harm to children in departmental and licensed care services)

- (1) Section 148(5)—

omit, insert—

- (5) As soon as practicable after receiving a report under this section, the chief executive must give a copy to the public guardian to help the public guardian perform the public guardian's child advocate functions under the *Public Guardian Act 2014*.

- (2) Section 148—

omit.

17 Amendment of s 148A (Chief executive to notify children's commissioner about particular persons)

- (1) Section 148A, 'children's commissioner'—

omit, insert—

chief executive (employment screening)

- (2) Section 148A(1)(a)(i) and (3)(b), 'Commissioner's Act'—

omit, insert—

Working with Children Act

18 Amendment of s 148B (Obtaining particular information from children's commissioner)

- (1) Section 148B, 'children's commissioner'—

omit, insert—

chief executive (employment screening)

- (2) Section 148B(1)(a)(ii), 'Commissioner's Act'—

omit, insert—

Working with Children Act

19 Amendment of ch 4, pt 3, hdg (Application of Commissioner's Act)

Chapter 4, part 3, heading, 'Commissioner's Act'—

[s 20]

omit, insert—

Working with Children Act

20 Amendment of s 148C (Application to licensed care service)

Section 148C(1), ‘Commissioner’s Act’—

omit, insert—

Working with Children Act

21 Amendment of s 148D (Pending application for prescribed notice)

Section 148D(1)(a), (2) and (4), ‘Commissioner’s Act’—

omit, insert—

Working with Children Act

22 Amendment of s 159C (What is *relevant information*)

Section 159C(1), definition *relevant information*, paragraph (b)—

insert—

- (vi) offer help and support to a child or child’s family to stop the child becoming a child in need of protection;
or

23 Amendment of s 159D (Other definitions for ch 5A)

Section 159D, definition *prescribed entity*—

insert—

- (ca) the public guardian;

24 Amendment of s 159O (Release of information by a health services designated person)

Section 159O(1)(b), ‘, or the preparation of a supplementary report,’—

omit.

25 Amendment of s 186 (Confidentiality of notifiers of harm or risk of harm)

(1) Section 186(1), ‘, an authorised officer or a police officer’—

omit, insert—

or an authorised officer, police officer, doctor or nurse

(2) Section 186(2)(d)—

omit.

26 Amendment of s 197 (Protection from liability)

(1) Section 197, heading, after ‘liability’—

insert—

for officials

(2) Section 197(3), definition *official*—

insert—

(e) a member of a review panel.

27 Amendment of ch 7A, hdg (Child deaths)

Chapter 7A, heading, after ‘deaths’—

insert—

and other matters

28 Insertion of new ch 7A, pt 1, hdg

Chapter 7A, before section 246A—

[s 29]

insert—

Part 1 Child death and other case reviews

29 Replacement of s 246A (Chief executive to review department’s involvement with particular children)

Section 246A—

omit, insert—

246AA Purpose

- (1) This chapter provides for a system of review of the department’s involvement with particular children who have since died or suffered serious physical injury.
- (2) The system includes a review by the chief executive and further independent review by a panel of appropriately qualified persons.
- (3) The purposes of requiring the reviews are—
 - (a) to facilitate ongoing learning and improvement in the provision of services by the department; and
 - (b) to promote the accountability of the department.

246A Chief executive to review department’s involvement with particular children

- (1) This section applies if a child dies or suffers serious physical injury.
- (2) The chief executive must carry out a review about the department’s involvement with the child if—
 - (a) at the time of the child’s death or serious physical injury, the child is in the chief executive’s custody or guardianship; or

- (b) within 1 year before the child's death or serious physical injury, the chief executive became aware of alleged harm or alleged risk of harm to the child in the course of performing functions under or relating to the administration of this Act; or
 - (c) within 1 year before the child's death or serious physical injury, the chief executive took action under this Act in relation to the child; or
 - (d) the child was less than 1 year old at the time of death or serious physical injury and, before the child was born, the chief executive reasonably suspected the child might be in need of protection after he or she was born; or
 - (e) the Minister requests a review under subsection (3).
- (3) The Minister may ask the chief executive to carry out a review if the Minister considers the circumstances of the child's death or serious physical injury may be relevant to the chief executive's functions under or relating to the administration of this Act.

30 Amendment of s 246B (Terms of reference and extent of review)

- (1) Section 246B(2) and (3)—
renumber as section 246B(3) and (4).
- (2) Section 246B—
insert—
 - (2) Without limiting the matters the chief executive may consider in making a decision under subsection (1), the chief executive may consider the nature of the department's involvement with

[s 31]

the child and its relevance to the cause of the child's death or serious physical injury.

31 Amendment of s 246C (Chief executive may seek information from entities)

Section 246C, after 'alive'—

insert—

or before the child was injured

32 Replacement of s 246D (Report to be prepared and given to CDCRC)

Section 246D—

omit, insert—

246D Report to be prepared and given to review panel

- (1) As soon as practicable, and not more than 6 months, after the triggering event for the chief executive's review, the chief executive must—
 - (a) complete the review; and
 - (b) prepare a report about the review; and
 - (c) give the following documents (the *original review documents*) to the review panel to which the review is allocated under section 246HF—
 - (i) a copy of the report under paragraph (b);
 - (ii) any documents obtained by the chief executive and used for the review.
- (2) In this section—

triggering event means—

 - (a) for a review under section 246A(2)(a) to (d)—the chief executive becoming aware of

the child's death or serious physical injury;
or

- (b) for a review under section 246A(2)(e)—the chief executive receiving the Minister's written request.

246DA Review panel may obtain further information

- (1) After receiving the original review documents, the review panel may ask the chief executive for further information relevant to the panel's review.
- (2) The chief executive must comply with the request to the extent that the chief executive has the information or may obtain it under this Act.
- (3) For the purpose of complying with the request, the chief executive may ask another entity for particular information requested by the panel.
- (4) If the chief executive asks a prescribed entity for information, section 159N applies to the request as if the requested information were relevant information for that section.
- (5) In this section—
prescribed entity see section 159D.

246DB Review panel to conduct further review

- (1) The review panel must review the chief executive's review as soon as practicable and, in any case, in time to comply with section 246DC.
- (2) The review panel must decide the extent and terms of reference of its review.
- (3) The matters that the review panel may decide to consider in its review include the following—

[s 33]

- (a) a matter within the terms of reference of the chief executive's review;
- (b) ways of improving the department's practices relating to the delivery of services to children and families;
- (c) ways of improving the relationship between the department and other entities with functions involving children or families;
- (d) whether disciplinary action should be taken against a public service employee of the department in relation to the department's involvement with a child.

246DC Report of panel's review

- (1) Within 6 months after receiving the original review documents, the review panel must complete its review under section 246DB, prepare a report of the review and give the report to the chief executive.
- (2) The chief executive must give a copy of the panel's report to the Minister if—
 - (a) the panel's review was of a review by the chief executive carried out in response to a request of the Minister under section 246A(3); or
 - (b) the Minister asks for a copy.

33 Amendment of s 246E (Protection from liability for giving information to chief executive)

- (1) Section 246E, heading, after 'chief executive'—
insert—

or review panel

- (2) Section 246E(1)—

omit, insert—

- (1) This section applies if a person, acting honestly, gives information to the chief executive or a review panel for a review under this part.

34 Amendment of s 246F (No liability for defamation if report made in good faith)

Section 246F, ‘, including a supplementary report,’—

omit.

35 Omission of s 246G (Preparation of supplementary report)

Section 246G—

omit.

36 Amendment of s 246H (Chief executive to give reports to State Coroner)

Section 246H(1)(a)—

omit, insert—

- (a) the chief executive completes a report under section 246D or is given a review panel’s report under section 246DC; and

37 Insertion of new ch 7A, pt 2

Chapter 7A, after section 246H—

insert—

Part 2 Child Death Case Review Panels

Division 1 Pool of panel members

246HA Appointment

- (1) The Minister may appoint persons to a pool from which the members of review panels are chosen.
- (2) A person may be appointed to the pool only if the Minister is satisfied the person is eligible and suitable for appointment.
- (3) A person is eligible for appointment if the person—
 - (a) has expertise in the field of paediatrics and child health, forensic pathology, mental health, investigations or child protection; or
 - (b) is otherwise, because of the person's qualifications, experience or membership of an entity, likely to make a valuable contribution to the work of a review panel.
- (4) Without limiting the matters to which the Minister may have regard in deciding whether a person is suitable for appointment, the Minister—
 - (a) must not appoint a person if the person does not consent to a criminal history check before appointment; and
 - (b) may have regard to a person's criminal history.
- (5) Also, in making appointments, the Minister must have regard to the requirements for the membership of review panels under section 246HH.

246HB Minister may obtain criminal history report

- (1) This section applies in relation to—
 - (a) a person whom the Minister proposes to appoint as a member of the pool and who has consented to a criminal history check under section 246HA; or
 - (b) a member of the pool.
- (2) The Minister may ask the police commissioner for the following information—
 - (a) the person’s criminal history;
 - (b) a brief description of the circumstances of a conviction or charge mentioned in the person’s criminal history.
- (3) The police commissioner must comply with the request, but only in relation to information in the police commissioner’s possession or to which the police commissioner has access.
- (4) The Minister must destroy a report given to the Minister under this section as soon as practicable after it is no longer needed for the purpose for which it was requested.

246HC Term of office

- (1) A member of the pool holds office for the term, of not more than 2 years, stated in the member’s instrument of appointment.
- (2) A member may resign by signed notice given to the Minister.

246HD Conditions of appointment

A member of the pool holds office under the conditions of appointment fixed by the Minister.

[s 37]

Division 2 Establishment and operation of panels

246HE Establishment

The Minister may establish Child Death Case Review Panels to carry out independent reviews of the chief executive's reviews under part 1.

246HF Allocation of reviews

- (1) For each review carried out by the chief executive under part 1, the Minister must establish a review panel or nominate an existing review panel to carry out a review of the chief executive's review.
- (2) A review panel may be allocated 1 or more reviews under this section.

246HG Independence

A review panel is not subject to direction by the Minister about the way the panel performs its functions.

246HH Membership

- (1) A review panel consists of the members chosen by the Minister from the pool under division 1.
- (2) Each review panel must include—
 - (a) at least 3 persons who are not public service employees and who the Minister is satisfied have specialist knowledge and experience in child protection issues; and
 - (b) at least 1, and not more than 3, public service officers employed in the department; and

- (c) at least 1 public service officer who is employed, as a senior executive or senior officer, in a department other than the department in which this Act is administered.
- (3) At least 1 member of the panel must be an Aboriginal or Torres Strait Islander person.

246HI Conduct of business

Subject to this chapter, a review panel may conduct its business, including meetings, in the way it considers appropriate.

246HJ Quorum

A quorum for a review panel is 3 members, including—

- (a) at least 2 members who are not public service officers employed in the department; and
- (b) if the panel's review concerns the death or serious physical injury of an Aboriginal or Torres Strait Islander child—at least 1 member who is an Aboriginal or Torres Strait Islander person.

246HK Disclosure of interests

- (1) This section applies to a member of a review panel if—
- (a) the member has a direct or indirect interest in an issue being considered, or about to be considered, by the panel; and
 - (b) the interest could conflict with the proper performance of the member's duties about the consideration of the issue.

[s 37]

- (2) As soon as practicable after the relevant facts come to the member's knowledge, the member must disclose the nature of the interest to a meeting of the panel.
- (3) Unless the panel otherwise directs, the member must not—
 - (a) be present when the panel considers the issue; or
 - (b) take part in a decision of the panel about the issue.
- (4) The member must not be present when the panel is considering whether to give a direction under subsection (3).
- (5) If there is another member who must, under subsection (2), also disclose an interest in the issue, the other member must not—
 - (a) be present when the panel is considering whether to give a direction under subsection (3) about the first member; or
 - (b) take part in making the decision about giving the direction.
- (6) A disclosure under subsection (2) must be recorded in the report prepared under section 246DC(1) by the panel about the review to which the relevant matter relates.

246HL Annual report about review panels

Within 3 months after the end of each financial year, the chief executive must prepare, and give to the Minister, a report about—

- (a) the operations of review panels under this chapter during the financial year; and

-
- (b) actions taken during the financial year in response to reports given to the chief executive under section 246DC.

38 Omission of ss 248 and 248A

Sections 248 and 248A—

omit.

39 Insertion of new ch 9, pt 9

Chapter 9—

insert—

**Part 9 Transitional provision
for Child Protection
Reform Amendment
Act 2014**

271 Uncompleted child death case reviews

- (1) This section applies to a review started by the chief executive under chapter 7A before the commencement day if, immediately before the commencement day—
- (a) the chief executive had not yet given a copy of a report about the review to the CDCRC under previous section 246D(2); or
 - (b) the chief executive had given a copy of a report about the review to the CDCRC under previous section 246D(2) but the CDCRC had not completed its review of the chief executive's review and given a copy of its report about its review to the chief executive under previous section 135 of the *Commission for Children and Young People and Child Guardian Act 2000*.

[s 40]

(2) The chief executive must give the report about the review and other documents required under section 246D to a review panel established or nominated by the Minister to conduct a review of the chief executive's review.

(3) In this section—

commencement day means the day this section commences.

previous means as in force before the commencement day.

40 Amendment of sch 3 (Dictionary)

(1) Schedule 3, definitions *apply for an exemption notice, apply for a prescribed notice, CDCRC, children's commissioner, Commissioner's Act, current, disqualifying offence, exemption notice, member of a person's household, member of a recognised entity, negative exemption notice, negative prescribed notice, positive exemption notice, positive prescribed notice, prescribed notice and serious offence—omit.*

(2) Schedule 3—
insert—

application, for an exemption notice or prescribed notice, means an application for the notice under the Working with Children Act.

chief executive (employment screening) means the chief executive of the department in which the Working with Children Act is administered.

current—

1 A prescribed notice or exemption notice is *current* if it is in force, and is not suspended, under the Working with Children Act.

2 An application for a prescribed notice or exemption notice is *current* if it has been

made under the Working with Children Act and has not been decided or withdrawn.

disqualifying offence means a disqualifying offence under the Working with Children Act.

exemption notice means an exemption notice under the Working with Children Act.

member—

1 *Member*, of a person's household—

(a) includes—

(i) someone who lives in the person's home; and

(ii) an adult who, because of the nature of their contact with the child in need of protection and the context in which that contact happens, may create an unacceptable level of risk to the child; but

(b) does not include a parent of the child living in the person's home if the child was placed in the care of the person under section 82(1).

2 *Member*, of a recognised entity, includes a person employed or engaged by the entity.

3 *Member*, for chapter 7A, part 2, means a member of a review panel.

negative exemption notice means a negative exemption notice under the Working with Children Act.

negative prescribed notice means a negative notice under the Working with Children Act.

original review documents see section 246D(1)(c).

[s 40]

pool, for chapter 7A, means the pool of persons appointed under chapter 7A, part 2, division 1.

positive exemption notice means a positive exemption notice under the Working with Children Act.

positive prescribed notice means a positive notice under the Working with Children Act.

prescribed notice means a prescribed notice under the Working with Children Act.

registered nurse means a person registered under the Health Practitioner Regulation National Law—

- (a) to practise in the nursing and midwifery profession as a nurse, other than as a student; and
- (b) in the registered nurses division of that profession.

reportable suspicion, for chapter 2, part 1AA, see section 13E(2) or 13F(2), whichever is relevant.

review panel means a Child Death Case Review Panel established under section 246HE.

school means—

- (a) a State school under the *Education (General Provisions) Act 2006*; or
- (b) a school that is provisionally accredited, or accredited, under the *Education (Accreditation of Non-State Schools) Act 2001*.

serious offence means a serious offence under the Working with Children Act.

serious physical injury means—

-
- (a) the loss of a distinct part or an organ of the body; or
 - (b) serious disfigurement; or
 - (c) any bodily injury of a nature that, if left untreated, would endanger or be likely to endanger life, or cause or be likely to cause permanent injury to health.

teacher means an approved teacher under the *Education (Queensland College of Teachers) Act 2005* employed at a school.

Working with Children Act means the *Working with Children (Risk Management and Screening) Act 2000*.

- (3) Schedule 3, definition *criminal history*, paragraph (c), ‘*Commission for Children and Young People and Child Guardian Act 2000*’—

omit, insert—

Working with Children Act

Part 3 Amendment of Childrens Court Act 1992

41 Act amended

This part amends the *Childrens Court Act 1992*.

42 Amendment of s 8 (Directions)

- (1) Section 8(4)—
renumber as section 8(5).
- (2) Section 8—
insert—

[s 43]

- (4) After consulting with the president, the chief magistrate may issue directions of general application with respect to the procedure of the court when constituted by a Childrens Court magistrate, magistrate or justices.

43 Insertion of new s 8A

After section 8—

insert—

8A Leadership of the court

- (1) The president has the function of ensuring the orderly and expeditious exercise of the jurisdiction of the court when constituted by a Childrens Court judge.
- (2) The chief magistrate has the function of ensuring the orderly and expeditious exercise of the jurisdiction of the court when constituted by a Childrens Court magistrate, magistrate or justices.

44 Replacement of s 10 (Functions of president)

Section 10—

omit, insert—

10 Functions of president

The president has the function given by section 8A(1) and the other functions conferred on the president by this Act or any other Act.

45 Omission of s 14A (Term of office)

Section 14A—

omit.

46 Amendment of s 21 (Court sitting times)

Section 21, ‘president’s directions’—

omit, insert—

directions of the president or chief magistrate under section 8

47 Insertion of new pt 7, div 5

Part 7—

insert—

**Division 5 Transitional provision for
Child Protection Reform
Amendment Act 2014**

**38 Term of office of current Childrens Court
magistrates**

- (1) This section applies to a person holding an appointment as a Childrens Court magistrate immediately before the commencement of this section.
- (2) The person’s appointment continues on the same conditions until the person ceases to hold the office of Childrens Court magistrate under section 15.
- (3) Subsection (2) applies despite a term of appointment stated in the person’s instrument of appointment.
- (4) Subsection (2) does not affect the power of the Governor in Council under this Act to change the conditions of the appointment.

Part 4 **Amendment of Commission for Children and Young People and Child Guardian Act 2000**

48 Act amended

This part amends the *Commission for Children and Young People and Child Guardian Act 2000*.

49 Amendment of long title

Long title, ‘Commission for Children and Young People and Child Guardian’—

omit, insert—

scheme requiring the development and implementation of risk management strategies, and the screening of persons employed in particular employment or carrying on particular businesses,

50 Omission of ch 1, pt 1, hdg (Introduction)

Chapter 1, part 1, heading—

omit.

51 Replacement of s 1 (Short title)

Section 1—

omit, insert—

1 Short title

This Act may be cited as the *Working with Children (Risk Management and Screening) Act 2000*.

52 Replacement of ch 1, pts 2–4

Chapter 1, parts 2 to 4—

omit, insert—

5 Object of Act

The object of this Act is to promote and protect the rights, interests and wellbeing of children and young people in Queensland through a scheme requiring—

- (a) the development and implementation of risk management strategies; and
- (b) the screening of persons employed in particular employment or carrying on particular businesses.

6 Principles for administering this Act

This Act is to be administered under the following principles—

- (a) the welfare and best interests of a child are paramount;
- (b) every child is entitled to be cared for in a way that protects the child from harm and promotes the child's wellbeing.

7 Administration of this Act in the Public Safety Business Agency

- (1) This Act is to be administered in the Public Safety Business Agency.
- (2) A reference in this Act to the chief executive is a reference to the chief executive officer of the Public Safety Business Agency.
- (3) A reference in another Act to the chief executive of the department in which this Act is administered is a reference to the chief executive officer of the Public Safety Business Agency.
- (4) A reference in this Act to the department is a reference to the Public Safety Business Agency.

- (5) A reference in another Act to the department in which this Act is administered is a reference to the Public Safety Business Agency.

8 Chief executive's main functions

The chief executive's main functions under this Act are—

- (a) to administer the scheme under chapter 8 for screening—
- (i) persons employed, or proposed to be employed, in certain child-related employment; and
 - (ii) persons carrying on, or proposing to carry on, certain child-related businesses; and
- (b) to audit or monitor compliance with that chapter.

53 Omission of chs 2–4

Chapters 2 to 4—

omit.

54 Omission of chs 6 and 7

Chapters 6 and 7—

omit.

55 Amendment of ch 8 references to 'commissioner' or 'Commissioner'

- (1) Each provision of chapter 8 is amended by—
- (a) omitting 'commissioner' and inserting 'chief executive'; and

(b) omitting ‘Commissioner’ and inserting ‘Chief executive’.

(2) Subsection (1) does not apply to a reference to ‘commissioner’ where it appears in the term ‘police commissioner’, ‘commissioner of a police force or service’ or ‘interstate police commissioner’.

56 Amendment of ch 8 references to ‘commissioner’s’

(1) Each provision of chapter 8 is amended by omitting ‘commissioner’s’ and inserting ‘chief executive’s’.

(2) Subsection (1) does not apply to a reference to ‘commissioner’s’ where it appears in the term ‘police commissioner’s’.

57 Omission of ch 8, pt 1, div 1 (General)

Chapter 8, part 1, division 1—

omit.

57A Omission of ch 8, pt 1, div 2, hdg (Application of chapter)

Chapter 8, part 1, division 2, heading—

omit.

57B Amendment of s 180 (Commissioner’s decision on eligibility application)

Section 180, heading, ‘Commissioner’s’—

omit, insert—

Chief executive’s

58 Amendment of s 235 (Department to be given particular advice)

(1) Section 235(1)(a), ‘a department’—

omit, insert—

another department (the *other executive*)

- (2) Section 235(1)(c), ‘chief executive of the department’—

omit, insert—

other executive

- (3) Section 235(2), ‘chief executive of the department that the chief executive’—

omit, insert—

other executive that the other executive

- (4) Section 235(2), ‘department should’—

omit, insert—

other department should

- (5) Section 235(4), ‘department’—

omit, insert—

other department

59 Amendment of s 293 (Department to be given particular advice)

- (1) Section 293(1)(a), ‘a department’—

omit, insert—

another department (the *other executive*)

- (2) Section 293(1)(c), ‘chief executive of the department’—

omit, insert—

other executive

- (3) Section 293(2), ‘chief executive of the department that the chief executive’—

omit, insert—

other executive that the other executive

- (4) Section 293(2), ‘department should’—

omit, insert—

other department should

(5) Section 293(4), ‘department’—

omit, insert—

other department

60 Amendment of s 345 (Use of information obtained under this chapter about a person)

Section 345(2), ‘engaged by the commission’—

omit, insert—

employed in the department

61 Amendment of ch 8A references to ‘commissioner’ or ‘Commissioner’

(1) Each provision of chapter 8A is amended by—

(a) omitting ‘commissioner’ and inserting ‘chief executive’;
and

(b) omitting ‘Commissioner’ and inserting ‘Chief executive’.

(2) Subsection (1) does not apply to a reference to ‘commissioner’ where it appears in the term ‘police commissioner’.

62 Amendment of ch 8A references to ‘engaged by the commission’

Each provision of chapter 8A is amended by omitting ‘engaged by the commission’ and inserting ‘employed in the department’.

63 Amendment of s 357A (Purposes of ch 8A)

- (1) Section 357A(a), ‘engaged, or to continue to be engaged, by the commission’—

omit, insert—

employed, or to continue to be employed, in the department

- (2) Section 357A(b)—

omit.

64 Amendment of s 357D (Person seeking to be engaged by commission must disclose criminal history)

- (1) Section 357D, heading, ‘engaged by commission’—

omit, insert—

employed in the department

- (2) Section 357D, ‘so engaged’—

omit, insert—

so employed

65 Amendment of s 357E (Person engaged by commission must disclose changes in criminal history)

Section 357E, heading, ‘engaged by commission’—

omit, insert—

employed in the department

66 Omission of ch 8A, pt 4 (Employment screening of persons engaged, or to be engaged, in child-related duties)

Chapter 8A, part 4—

omit.

- 67 Amendment of s 357O (Application of div 1)**
Section 357O(2), ‘or child-related duties’—
omit.
- 68 Amendment of s 357R (Use of information obtained under this chapter)**
Section 357R(3)(b), ‘commission’—
omit, insert—
department
- 69 Amendment of s 357T (Guidelines for dealing with information)**
Section 357T(3), ‘engaged, or who is engaged, by the commission’—
omit, insert—
employed, or who is employed, by the department
- 70 Amendment of ch 9, pt 2, hdg (QCAT to give statistical information to commissioner)**
Chapter 9, part 2, heading, ‘commissioner’—
omit, insert—
chief executive
- 71 Replacement of s 368 (QCAT’s principal registrar to give statistical information to commissioner)**
Section 368—
omit, insert—

368 QCAT's principal registrar to give statistical information to chief executive

- (1) QCAT's principal registrar must, from time to time, give the chief executive statistical information about—
 - (a) the number and types of child-related employment decisions for which applications were made to QCAT for review; and
 - (b) QCAT's decisions on the applications.
- (2) The information must not identify the parties (other than the decision-maker) to, or other persons taking part in, a review by QCAT.

72 Amendment of ch 10, pt 2 references to 'commissioner'

Each provision of chapter 10, part 2 is amended by omitting 'commissioner' and inserting 'chief executive'.

73 Amendment of s 374 (Commissioner must keep record)

Section 374, heading, 'Commissioner'—

omit, insert—

Chief executive

74 Replacement of s 376 (Evidentiary provisions)

Section 376—

omit, insert—

376 Evidentiary provisions

- (1) This section applies to a proceeding under or in relation to this Act.
- (2) A signature purporting to be the signature of the chief executive is evidence of the signature it purports to be.

- (3) A certificate purporting to be signed by the chief executive stating any of the following matters is evidence of the matter—
- (a) a stated document is a copy of a notice given or issued under this Act;
 - (b) on a stated day, a stated person was given a stated notice under this Act.

75 Amendment of s 377 (Indictable and summary offences)

Section 377(2)—

omit.

76 Omission of s 382 (Allegations of false or misleading information or statements)

Section 382—

omit.

77 Amendment of s 384 (Confidentiality of information about criminal history or related information)

- (1) Section 384(1)(a) and (2)(a), after ‘has been,’—

insert—

a public service employee employed in the department,

- (2) Section 384(1)(b), after ‘applied by’—

insert—

previous

- (3) Section 384(5)(a) to (d)—

omit, insert—

- (a) if subsection (1) applies—

- (i) to a public service employee employed in the department for the purpose of an employment-screening decision; or
 - (ii) for a document about a staff member—to a public service employee employed in the department or selection panel member for the purpose of assessing the person’s suitability to be, or continue to be, a staff member; or
 - (b) if subsection (2) applies—to a public service employee employed in the department or selection panel member for the purpose of assessing the person’s suitability to be, or continue to be, a staff member; or
 - (c) if subsection (3)(a) applies—to a public service employee employed in the department or a member of the Minister’s staff for the purpose of obtaining advice relating to the information; or
 - (d) if subsection (3)(b) applies—to the Minister, a public service employee employed in the department or a member of the Minister’s staff for the purpose of providing advice to the Minister relating to the information; or
- (4) Section 384(6)—

insert—

assistant commissioner means the assistant commissioner under this Act before the commencement of this definition.

commission means the Commission for Children and Young People and Child Guardian under this Act before the commencement of this definition.

commissioner means the Commissioner for Children and Young People and Child Guardian

under this Act before the commencement of this definition.

previous section 36 means section 36 as in force from time to time before the commencement of this definition.

- (5) Section 384(6), definition *selection panel member*, after ‘recommendation to’—

insert—

the chief executive or

- (6) Section 384(6), definition *staff member*, after ‘means’—

insert—

a public service employee employed in the department
or

78 Amendment of s 385 (Confidentiality of other information)

- (1) Section 385(3)(d)—

omit, insert—

(d) a public service employee employed in the department; or

- (2) Section 385(4)(e)(iii), ‘is, or has been,’—

omit, insert—

has been

- (3) Section 385(4)—

insert—

(f) for a purpose directly related to a child’s protection or welfare.

- (4) Section 385(5)(a), ‘the commissioner, a member of the commission’s staff, a public service officer of the department’—

omit, insert—

a public service employee employed in the department

(5) Section 385—

insert—

(6) In this section—

advisory committee means an advisory committee established under this Act before the commencement of this definition.

assistant commissioner means the assistant commissioner under this Act before the commencement of this definition.

commission means the Commission for Children and Young People and Child Guardian under this Act before the commencement of this definition.

commissioner means the Commissioner for Children and Young People and Child Guardian under this Act before the commencement of this definition.

79 Omission of s 386 (Disclosure of information about investigations)

Section 386—

omit.

80 Omission of ch 10, pt 5 (Reprisals)

Chapter 10, part 5—

omit.

81 Amendment of s 393 (Protection from liability)

Section 393(3), definition *official*, paragraphs (b) to (f)—

omit, insert—

- (b) a public service employee employed in the department.

82 Omission of s 394 (Whistleblowers' protection)

Section 394—

omit.

83 Amendment of s 395 (Other reports by commissioner)

- (1) Section 395, heading—

omit, insert—

395 Reports by chief executive

- (2) Section 395, 'commissioner'—

omit, insert—

chief executive

- (3) Section 395(1), 'commissioner's'—

omit, insert—

chief executive's

- (4) Section 395—

insert—

- (4) The chief executive must ensure the department's annual report under the *Financial Accountability Act 2009* for a financial year includes information about the number of times the Minister asked the chief executive for a report under this section during the year.

84 Omission of s 396 (Annual report by commission)

Section 396—

omit.

85 Amendment of s 397 (Commissioner may enter into arrangement about giving and receiving information with police commissioner)

- (1) Section 397, heading, ‘Commissioner may’—
omit, insert—

Chief executive may

- (2) Section 397(1), ‘the commissioner’—
omit, insert—

the chief executive

- (3) Section 397(2), ‘The commissioner’—
omit, insert—

The chief executive

86 Amendment of s 398 (Commissioner may enter into arrangement with chief executive (child safety))

- (1) Section 398, heading, ‘Commissioner’—
omit, insert—

Chief executive

- (2) Section 398(1) and (2), ‘commissioner’—
omit, insert—

chief executive

87 Replacement of s 399 (Delegation by commissioner or assistant commissioner)

Section 399—

omit, insert—

399 Delegation by chief executive

- (1) The chief executive may delegate the chief executive’s functions under this or another Act to—

-
- (a) an appropriately qualified public service employee employed in the department; or
- (b) another individual who the chief executive considers is an appropriately qualified person to exercise the functions delegated to the person.
- (2) In this section—
functions includes powers.

88 Amendment of s 400 (Approved forms)

Section 400, ‘commissioner’—

omit, insert—

chief executive

89 Amendment of s 401 (Regulation-making power)

Section 401(3), ‘commissioner’—

omit, insert—

chief executive

90 Insertion of new ch 11, pt 17

Chapter 11—

insert—

**Part 17 Transitional provisions
for Child Protection
Reform Amendment
Act 2014**

541 Definitions for pt 17

In this part—

commencement means the time of commencement of the provision in which the term appears.

current see section 542.

former, in relation to a provision of this Act, means as in force before the commencement.

former assistant commissioner means the assistant commissioner under this Act before the commencement.

former commission means the Commission for Children and Young People and Child Guardian under this Act before the commencement.

former commissioner means the Commissioner for Children and Young People and Child Guardian under this Act before the commencement.

542 Meaning of *current*

For this part, a thing is *current* if, immediately before the commencement—

- (a) for an application—it had not been finally dealt with; or
- (b) for a notice or other document or a decision—it was in force or had effect; or
- (c) for a requirement or request—it had not been complied with.

543 Office holders and entities under former provisions

- (1) On the commencement—
 - (a) the former commission is abolished; and

- (b) a person holding office as the former commissioner or former assistant commissioner goes out of office; and
 - (c) the Child Death Case Review Committee under former chapter 6 is abolished and its members go out of office; and
 - (d) each advisory committee under former chapter 7 is abolished.
- (2) A legal proceeding that, immediately before the commencement, was being taken or may have been taken by or against a former entity may be continued or taken by or against the State.
 - (3) If, immediately before the commencement, a former entity was a party to a current contract, then the State is taken to be a party to the contract in place of the former entity.
 - (4) A regulation may prescribe an entity to be the party acting for the State for a legal proceeding or contract to which subsection (2) or (3) applies.
 - (5) In this section—
former entity means the former commission, former commissioner or former assistant commissioner.

544 Complaints under former ch 4

The *Ombudsman Act 2001*, part 12, division 3 includes provision about particular complaints made to the former commissioner under former chapter 4.

545 Child death case reviews under former ch 6

The *Child Protection Act 1999*, chapter 9, part 9 includes provision about particular child death case reviews under former chapter 6.

546 Screening under ch 8 or 8A

- (1) Unless the context otherwise requires, anything done by or in relation to the former commissioner under former chapter 8 or 8A before the commencement is taken to have been done by or in relation to the chief executive.
- (2) Without limiting subsection (1)—
 - (a) a current application made to the former commissioner under former chapter 8 or 8A is taken to have been made to the chief executive; and
 - (b) a current decision of the former commissioner under former chapter 8 or 8A is taken to be a decision of the chief executive; and
 - (c) a current notice or other document issued or given to a person by the former commissioner under former chapter 8 or 8A is taken to have been issued or given to the person by the chief executive; and
 - (d) a current notice or other document given by a person to the former commissioner under former chapter 8 or 8A is taken to have been given by the person to the chief executive; and
 - (e) a current requirement or request under former chapter 8 or 8A for a person to give information or a document or other thing to the former commissioner is taken to be a requirement or request to give the information, document or thing to the chief executive; and
 - (f) a current requirement under former chapter 8 or 8A for the former commissioner to give a document or other thing to a person is taken to be a requirement for the chief

executive to give the document or thing to the person.

547 Current proceedings relating to ch 8 or 8A

- (1) This section applies to a legal proceeding about anything done under chapter 8 or 8A that, immediately before the commencement, was being taken or may have been taken by or against the former commissioner.
- (2) On the commencement, the proceeding may be continued or taken by or against the chief executive.

548 Transitional regulation-making power

- (1) A regulation (a *transitional regulation*) may make provision of a saving or transitional nature about any matter—
 - (a) for which it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the pre-amended Act to the post-amended Act; and
 - (b) for which this Act does not make provision or sufficient provision.
- (2) A transitional regulation may have retrospective operation to a day that is not earlier than the commencement.
- (3) A transitional regulation must declare it is a transitional regulation.
- (4) This section and any transitional regulation expire 6 months after the commencement.
- (5) In this section—
post-amended Act means this Act as in force from the commencement.

pre-amended Act means this Act as in force immediately before the commencement.

91 Amendment of sch 1 (Regulated employment and businesses for employment screening)

Schedule 1, section 21(1)(b), ‘government service provider’—

omit, insert—

government entity or a local government

92 Amendment of sch 7 (Dictionary)

(1) Schedule 7, definitions *advisory committee, advocacy entity, appointed members, assistant commissioner, CDCRC, CDCRC member, child guardian functions, child-related duties, child safety system, commission, commissioner, complaints agency, detention centre, government service provider, in the child safety system, licensee, monitoring functions, notice for information, obstruct, original reviews, policies, private service provider, relevant provider, relevant service providers, review criteria, service provider, State Coroner, unit of public administration and woman—*

omit.

(2) Schedule 7—

insert—

chief executive has the meaning given by section 7(2).

department has the meaning given by section 7(4).

Public Safety Business Agency means the Public Safety Business Agency established under the *Public Safety Business Agency Act 2014*.

(3) Schedule 7, definition *commencement—*

insert—

(g) for chapter 11, part 17—see section 541.

Part 5 **Amendment of Magistrates Act 1991**

93 Act amended

This part amends the *Magistrates Act 1991*.

94 Amendment of s 12 (Functions of Chief Magistrate)

(1) Section 12(1)—

insert—

Note—

See also the *Childrens Court Act 1992*, section 8A(2).

(2) Section 12(2), after ‘this Act’—

insert—

and the *Childrens Court Act 1992*

(3) Section 12(2), after ‘Magistrates Courts,’—

insert—

and of the Childrens Court when constituted by a
Childrens Court magistrate, magistrate or justices,

(4) Section 12(2)—

insert—

(aa) deciding, for the *Childrens Court Act 1992*,
section 5(3)(b) or (c), the magistrates or
justices who are to constitute the Childrens
Court at particular places and times under
that Act; and

serious physical injury see the *Child Protection Act 1999*, schedule 3.

97 Replacement of s 86 (Delegation)

Section 86—

omit, insert—

86 Delegation

- (1) The ombudsman may delegate the ombudsman's functions under this Act to an appropriately qualified officer of the ombudsman.
- (2) In this section—
functions includes powers.

98 Insertion of new pt 12, div 3

Part 12—

insert—

**Division 3 Provisions for Child
Protection Reform
Amendment Act 2014**

105 Definitions for div 3

In this division—

CCYPCG Act means the *Commissioner for Children and Young People and Child Guardian Act 2000* as in force before the commencement.

commencement means the time of commencement of the provision in which the term appears.

former commissioner means the Commissioner for Children and Young People and Child

[s 98]

Guardian under the CCYPCG Act before the commencement.

106 Complaints made to former commissioner

- (1) This section applies in relation to a complaint made to the former commissioner under the CCYPCG Act that, immediately before the commencement, had not been finally dealt with under that Act.
- (2) The ombudsman must deal with the complaint as if it had been made to the ombudsman under this Act.
- (3) Subsection (2) does not limit the way the ombudsman may deal with the complaint under section 23.

107 Complaints made in former commissioner's own name

- (1) This section applies in relation to a complaint made by the former commissioner under the CCYPCG Act, section 59 that, immediately before the commencement, had not been finally dealt with under that Act.
- (2) The ombudsman may investigate the matter of the complaint under section 18(1)(b).

108 Complaints documents

- (1) This section applies in relation to a complaint to which section 106 or 107 applies.
- (2) On the commencement, any documents and other information held by the former commissioner relating to the complaint become documents and other information held by the ombudsman under this Act.

109 Current requirements under CCYPCG Act, ch 4

- (1) This section applies if the former commissioner made a requirement or request under the CCYPCG Act, chapter 4 that, immediately before the commencement, had not been complied with.
- (2) On the commencement, the requirement or request lapses.

110 Delegation of power to make a report or recommendation

To remove any doubt, it is declared that, under section 86, the ombudsman may delegate the ombudsman's power to make a report or recommendation about a matter arising before the commencement.

99 Amendment of sch 3 (Dictionary)

Schedule 3, definition *complaints entity*, examples, first dot point—

omit.

Part 7 Amendment of Public Health Act 2005

100 Act amended

This part amends the *Public Health Act 2005*.

101 Amendment of s 7 (How object is mainly achieved)

Section 7(d), from 'providing' to 'neglect, and'—

omit.

[s 102]

102 Amendment of s 186 (Relationship with Child Protection Act 1999)

Section 186(2)—

omit, insert—

- (2) The *Child Protection Act 1999* imposes an obligation on professionals about reporting suspected child harm caused by physical or sexual abuse and includes related provisions about protection from liability for giving information and protecting the identity of persons notifying harm.

Note—

See the *Child Protection Act 1999*, chapter 2, part 1AA, division 2 and sections 186 and 197A.

103 Omission of ch 5, pt 3, div 5 (Notification of child abuse and neglect)

Chapter 5, part 3, division 5—

omit.

104 Amendment of s 198 (Designated medical officer must notify person in charge of facility where child held)

Section 198(4)(c)—

omit, insert—

- (c) the name, address and telephone number of the designated medical officer; and
- (ca) if a professional has given a report under the *Child Protection Act 1999*, chapter 2, part 1AA, division 2—the name, address and telephone number of the professional, to the extent the designated medical officer has those details; and

Part 8 Consequential amendments

105 Acts amended in sch 1

Schedule 1 amends the Acts it mentions.

Schedule 1 Amendment of particular Acts

section 105

Adoption Act 2009

1 Section 235(3)(d)—

omit, insert—

- (d) the court considers the child may be a child in need of protection under the *Child Protection Act 1999*, section 10.

2 Schedule 3, definitions *Commission for Children Act* and *serious offence*—

omit.

3 Schedule 3—

insert—

serious offence see the *Working with Children (Risk Management and Screening) Act 2000*. section 167.

4 Schedule 3, definition *disqualification order*, paragraph (a), '*Commission for Children Act*'—

omit, insert—

Working with Children (Risk Management and Screening) Act 2000

5 Schedule 3, definition *disqualifying offence*, '*Commission for Children Act*'—

omit, insert—

Working with Children (Risk Management and Screening) Act 2000

Child Protection (Offender Prohibition Order) Act 2008

1 Section 25(3), ‘children’s commissioner’—

omit, insert—

chief executive (employment screening)

2 Section 28(4), ‘children’s commissioner’—

omit, insert—

chief executive (employment screening)

3 Section 44(6), definition *relevant Act*, paragraph (d)—

omit, insert—

(d) for the chief executive (employment screening)—the Working with Children Act.

4 Schedule, definitions *children’s commissioner*, *exemption notice*, *positive exemption notice*, *positive notice*, *positive notice blue card* and *prescribed notice*—

omit.

5 Schedule—

insert—

chief executive (employment screening) means the chief executive of the department in which the Working with Children Act is administered.

exemption notice means an exemption notice under the Working with Children Act.

positive exemption notice means a positive exemption notice under the Working with Children Act.

positive notice means a positive notice under the Working with Children Act.

positive notice blue card means a positive notice blue card under the Working with Children Act.

prescribed notice means a prescribed notice under the Working with Children Act.

Working with Children Act means the *Working with Children (Risk Management and Screening) Act 2000*.

6 **Schedule, definition *prescribed entity*, paragraph (d)—**
omit, insert—

(d) the chief executive (employment screening).

Child Protection (Offender Reporting) Act 2004

1 **Section 43—**
omit.

Community Services Act 2007

1 **Section 144(2), note, paragraph (a), ‘*Commission for Children and Young People and Child Guardian Act 2000*’—**
omit, insert—

Working with Children (Risk Management and Screening) Act 2000

Coroners Act 2003

- 1 Section 71(7)(b)—**
omit.

Disability Services Act 2006

- 1 Section 76A, note, ‘CCYPCG Act’—**
omit, insert—
Working with Children Act
- 2 Section 82A(1), note, ‘CCYPCG Act’—**
omit, insert—
Working with Children Act
- 3 Section 82A, ‘CCYPCG positive notice’—**
omit, insert—
WWC positive notice
- 4 Section 82B, ‘CCYPCG positive notice’—**
omit, insert—
WWC positive notice
- 5 Section 89A, ‘CCYPCG positive notice’—**
omit, insert—
WWC positive notice

- 6 Section 89A(3)(c)(ii), ‘CCYPCG Act’—**
omit, insert—
Working with Children Act
- 7 Section 89C(3), ‘CCYPCG Act’—**
omit, insert—
Working with Children Act
- 8 Section 89C(3), ‘CCYPCG positive notice’—**
omit, insert—
WWC positive notice
- 9 Section 89D, heading, ‘Commissioner for Children and Young People and Child Guardian’—**
omit, insert—
chief executive (employment screening)
- 10 Section 89D, ‘CCYPCG positive notice’—**
omit, insert—
WWC positive notice
- 11 Section 89D(2), (4), (5)(a) and (6), ‘children’s commissioner’—**
omit, insert—
chief executive (employment screening)
- 12 Section 89D(5)(a), ‘the commissioner’—**
omit, insert—
the chief executive (employment screening)

-
- 13 Section 89D(2)(b), ‘CCYPCG Act’—**
omit, insert—
Working with Children Act
- 14 Section 89D(7), definition *children’s commissioner*—**
omit, insert—
chief executive (employment screening) means the chief executive of the department in which the Working with Children Act is administered.
- 15 Section 89F(2), ‘CCYPCG positive notice’—**
omit, insert—
WWC positive notice
- 16 Section 90C(1)(b), ‘CCYPCG Act’—**
omit, insert—
Working with Children Act
- 17 Section 90C(1)(b), ‘CCYPCG positive notice’—**
omit, insert—
WWC positive notice
- 18 Section 105A, ‘CCYPCG positive notice’—**
omit, insert—
WWC positive notice
- 19 Section 105A(1)(b), ‘CCYPCG Act’—**
omit, insert—
Working with Children Act
-

- 20 Section 105B(2)(b) and (9), ‘CCYPCG positive notice’—**
omit, insert—
WWC positive notice
- 21 Section 105B(2)(b) and (9), ‘CCYPCG Act’—**
omit, insert—
Working with Children Act
- 22 Section 105C, ‘CCYPCG positive notice’—**
omit, insert—
WWC positive notice
- 23 Section 105C(1)(b), ‘CCYPCG Act’—**
omit, insert—
Working with Children Act
- 24 Part 10, division 6A, heading, ‘CCYPCG positive notice’—**
omit, insert—
WWC positive notice
- 25 Section 107B, ‘CCYPCG positive notice’—**
omit, insert—
WWC positive notice
- 26 Section 107C, ‘CCYPCG positive notice’—**
omit, insert—
WWC positive notice

-
- 27 Section 108, definition *part 10 reviewable decision*, ‘CCYPCG positive notice’—**
omit, insert—
WWC positive notice
- 28 Section 108, definition *part 10 reviewable decision*, paragraph (c), ‘CCYPCG Act’—**
omit, insert—
Working with Children Act
- 29 Section 117(5A)(a), ‘CCYPCG positive notice’—**
omit, insert—
WWC positive notice
- 30 Section 117(5A)(a), ‘CCYPCG Act’—**
omit, insert—
Working with Children Act
- 31 Section 256, note, paragraph (b), ‘CCYPCG Act’—**
omit, insert—
Working with Children Act
- 32 Schedule 7, definitions *CCYPCG Act*, *CCYPCG positive notice* and *Commissioner for Children and Young People and Child Guardian*—**
omit.
- 33 Schedule 7—**
insert—
-

Working with Children Act means the *Working with Children (Risk Management and Screening) Act 2000*.

WWC positive notice means a positive notice issued under the Working with Children Act.

Education (Accreditation of Non-State Schools) Act 2001

1 Section 15, ‘Commission for Children and Young People and Child Guardian Act 2000’—

omit, insert—

Working with Children Act

2 Section 140, ‘Commission for Children and Young People and Child Guardian Act 2000’—

omit, insert—

Working with Children Act

3 Section 146(2), ‘Commission for Children and Young People and Child Guardian Act 2000’—

omit, insert—

Working with Children Act

4 Section 168, ‘Commission for Children and Young People and Child Guardian Act 2000’—

omit, insert—

Working with Children Act

5 Schedule 3, definitions *positive exemption notice* and *positive notice*, ‘Commission for Children and Young People and Child Guardian Act 2000’—

omit, insert—

Working with Children Act

6 Schedule 3—

insert—

Working with Children Act means the *Working with Children (Risk Management and Screening) Act 2000*.

Education and Care Services Act 2013

1 Section 15(1), note, ‘Commissioner’s Act’—

omit, insert—

Working with Children Act

2 Section 25(g), ‘Commissioner’s Act’—

omit, insert—

Working with Children Act

3 Section 39, ‘Commissioner’s Act’—

omit, insert—

Working with Children Act

4 Part 3, division 7, heading, ‘children’s commissioner’—

omit, insert—

chief executive (employment screening)

- 5 Section 91, ‘children’s commissioner’—**
omit, insert—
chief executive (employment screening)
- 6 Section 91, ‘Commissioner’s Act’—**
omit, insert—
Working with Children Act
- 7 Section 191, ‘children’s commissioner’—**
omit, insert—
chief executive (employment screening)
- 8 Section 200, heading, ‘children’s commissioner’—**
omit, insert—
chief executive (employment screening)
- 9 Section 200(1), ‘children’s commissioner’—**
omit, insert—
chief executive (employment screening)
- 10 Section 200(2), (3) and (5), ‘commissioner’—**
omit, insert—
chief executive (employment screening)
- 11 Section 200(3)(b), ‘commissioner’s’—**
omit.
- 12 Section 200(4)(c), ‘Commissioner’s Act’—**
omit, insert—

Working with Children Act

- 13 Part 10, division 1, heading, ‘Commission for Children and Young People and Child Guardian Act 2000’—**
omit, insert—
Working with Children (Risk Management and Screening) Act 2000
- 14 Section 237(1), ‘Commissioner’s Act’—**
omit, insert—
 Working with Children Act
- 15 Section 239, ‘Commissioner’s Act’—**
omit, insert—
 Working with Children Act
- 16 Section 239(2), note, ‘children’s commissioner’—**
omit, insert—
 chief executive (employment screening)
- 17 Schedule 1, definitions *apply for an exemption notice, apply for a prescribed notice, children’s commissioner, Commissioner’s Act, exemption notice, negative exemption notice, negative notice, positive exemption notice, positive notice and prescribed notice—***
omit.
- 18 Schedule 1—**
insert—
apply for an exemption notice means apply for an exemption notice under the Working with Children Act.

apply for a prescribed notice means apply for a prescribed notice under the Working with Children Act.

chief executive (employment screening) means the chief executive of the department in which the Working with Children Act is administered.

exemption notice means an exemption notice under the Working with Children Act.

negative exemption notice means a negative exemption notice under the Working with Children Act.

negative notice means a negative notice under the Working with Children Act.

positive exemption notice means a positive exemption notice under the Working with Children Act.

positive notice means a positive notice under the Working with Children Act.

prescribed notice means a prescribed notice under the Working with Children Act.

Working with Children Act means the *Working with Children (Risk Management and Screening) Act 2000*.

Education and Care Services National Law (Queensland) Act 2011

1 Section 16, ‘Commission for Children and Young People and Child Guardian Act 2000’—

omit, insert—

Working with Children (Risk Management and Screening) Act 2000

2 Part 3, heading, ‘Commissioner’s Act’—

omit, insert—

Working with Children Act

3 Section 19—

omit, insert—

19 Definitions for pt 3

In this part—

chief executive (employment screening) means the chief executive of the department in which the Working with Children Act is administered.

exemption notice means an exemption notice under the Working with Children Act.

prescribed notice means a prescribed notice under the Working with Children Act.

Working with Children Act means the *Working with Children (Risk Management and Screening) Act 2000*.

4 Section 20, ‘Commissioner’s Act’—

omit, insert—

Working with Children Act

5 Section 20, ‘children’s commissioner’—

omit, insert—

chief executive (employment screening)

6 Section 21, ‘Commissioner’s Act’—

omit, insert—

Working with Children Act

- 7 Section 21, ‘children’s commissioner’—**
omit, insert—
chief executive (employment screening)
- 8 Section 22, ‘children’s commissioner’—**
omit, insert—
chief executive (employment screening)
- 9 Section 22(4), ‘Commissioner’s Act’—**
omit, insert—
Working with Children Act
- 10 Part 3, division 3, heading, ‘Commissioner’s Act’—**
omit, insert—
Working with Children Act
- 11 Section 25, ‘Commissioner’s Act’—**
omit, insert—
Working with Children Act
- 12 Section 26, ‘Commissioner’s Act’—**
omit, insert—
Working with Children Act

Education (General Provisions) Act 2006

- 1 Schedule 4, definition *serious offence*—**
omit, insert—

serious offence see the *Working with Children (Risk Management and Screening) Act 2000*, section 167.

Education (Queensland College of Teachers) Act 2005

1 Section 14(2)(c), ‘Commissioner’s Act’—

omit, insert—

Working with Children Act

2 Section 14(2)(c)(i)(A), ‘CCYPCG fee’—

omit, insert—

employment-screening fee

3 Section 14(7)—

omit, insert—

(7) Subsection (8) applies if—

- (a) the person is the holder of a positive notice under the Working with Children Act; and
- (b) the application was accompanied by the employment-screening fee and not the criminal history check fee; and
- (c) before the application is decided, the college—
 - (i) is given advice by the chief executive (employment screening) under section 15D(2)(c); or
 - (ii) otherwise becomes aware there is police information about the person.

4 Section 14(10), definition *CCYPCG fee*—

omit, insert—

employment-screening fee means the fee prescribed by regulation under the Working with Children Act for obtaining information from the chief executive (employment screening) under section 15D.

5 Section 15(9)(a)(i), ‘Commissioner’s Act’—

omit, insert—

Working with Children Act

6 Section 15D, ‘children’s commissioner’—

omit, insert—

chief executive (employment screening)

7 Section 15D(1) and (2), ‘Commissioner’s Act’—

omit, insert—

Working with Children Act

8 Section 15D(5)(a), ‘the commissioner’—

omit, insert—

he or she

9 Section 285, ‘children’s commissioner’—

omit, insert—

chief executive (employment screening)

10 Section 285(1)(b), (4)(b) and (5)(c), ‘Commissioner’s Act’—

omit, insert—

Working with Children Act

- 11 Section 285(7), ‘the commissioner’—**
omit, insert—
the chief executive (employment screening)
- 12 Section 285A, ‘children’s commissioner’—**
omit, insert—
chief executive (employment screening)
- 13 Section 285A(1)(b) and (3)(g), ‘Commissioner’s Act’—**
omit, insert—
Working with Children Act
- 14 Section 285A(5), ‘the commissioner’—**
omit, insert—
the chief executive (employment screening)
- 15 Section 285B, ‘children’s commissioner’—**
omit, insert—
chief executive (employment screening)
- 16 Section 285B(1)(b) and (4), ‘Commissioner’s Act’—**
omit, insert—
Working with Children Act
- 17 Section 348(3), definition *disqualifying offence*, ‘Commissioner’s Act’—**
omit, insert—
Working with Children Act

18 Schedule 3, definitions *children’s commissioner* and *Commissioner’s Act*—

omit.

19 Schedule 3—

insert—

chief executive (employment screening) means the chief executive of the department in which the Working with Children Act is administered.

Working with Children Act means the *Working with Children (Risk Management and Screening) Act 2000*.

20 Schedule 3, definition *serious offence*, ‘*Commissioner’s Act*’—

omit, insert—

Working with Children Act

Evidence Act 1977

1 Section 93AA(2A), ‘*CCYPCG commissioner*’—

omit, insert—

chief executive (employment screening)

2 Section 93AA(2A) and (2B), ‘*CCYPCG Act*’—

omit, insert—

Working with Children Act

3 Section 93AA(2B), ‘*CCYPCG commissioner*’—

omit, insert—

former CCYPCG commissioner or the chief executive (employment screening)

4 Section 93AA, ‘a CCYPCG employment-screening decision’—

omit, insert—

an employment-screening decision

5 Section 93AA(2C), (2E) and (2F), ‘relevant CCYPCG applicant’—

omit, insert—

WWC applicant

6 Section 93AA(3), definitions *CCYPCG Act*, *CCYPCG commissioner*, *CCYPCG employment-screening decision* and *relevant CCYPCG applicant*—

omit.

7 Section 93AA(3)—

insert—

chief executive (employment screening) means the chief executive of the department in which the Working with Children Act is administered.

employment-screening decision means an employment-screening decision under the Working with Children Act.

former CCYPCG commissioner means the Commissioner for Children and Young People and Child Guardian before the commencement of this definition.

Working with Children Act means the *Working with Children (Risk Management and Screening) Act 2000*.

WWC applicant, for a section 93A transcript, means a person—

- (a) who allegedly committed the alleged offence to which the transcript relates; and
- (b) about whom the former CCYPCG commissioner or the chief executive (employment screening) has made, or the chief executive (employment screening) is about to make, an employment-screening decision.

Family Responsibilities Commission Act 2008

- 1 Section 20(3), definition *serious offence*, paragraph (b), ‘Commission for Children and Young People and Child Guardian Act 2000’—**

omit, insert—

Working with Children (Risk Management and Screening) Act 2000

- 2 Section 92(4), definition *relevant entity*, paragraph (a)—**

omit.

Grammar Schools Act 1975

- 1 Section 46G(5), ‘Commission for Children and Young People and Child Guardian Act 2000’—**

omit, insert—

Working with Children (Risk Management and Screening) Act 2000

Parliament of Queensland Act 2001

- 1 **Section 67(1)(e)**—
omit.

Police Powers and Responsibilities Act 2000

- 1 **Chapter 23, part 1A**—
omit, insert—

Part 1A Provision for Working with Children (Risk Management and Screening) Act 2000

789A Power to demand production of employment-screening document

- (1) This section applies if a police officer knows or reasonably suspects—
 - (a) a person is the holder of an employment-screening document; and
 - (b) any of the following apply to the person—
 - (i) the person has been charged with a disqualifying offence;
 - (ii) the person is a relevant disqualified person.
- (2) The police officer may require the person to immediately give the employment-screening document to the police officer.
- (3) The person must comply with the requirement under subsection (2), unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

- (4) A police officer who is given a person's employment-screening document under subsection (2) must give the person a receipt for the document.
- (5) A police officer must give the employment-screening document to the chief executive (employment screening).
- (6) A police officer may retain the employment-screening document until it is given to the chief executive (employment screening) under subsection (5).
- (7) For exercising a power under subsection (2), the police officer is taken to be investigating a matter as mentioned in section 19.
- (8) In this section—

chief executive (employment screening) means the chief executive of the department in which the Working with Children Act is administered.

disqualifying offence means a disqualifying offence within the meaning of the Working with Children Act.

employment-screening document means—

- (a) a positive notice within the meaning of the Working with Children Act; or
- (b) a positive notice blue card within the meaning of the Working with Children Act; or
- (c) a positive exemption notice within the meaning of the Working with Children Act.

relevant disqualified person means a relevant disqualified person within the meaning of the Working with Children Act.

Working with Children Act means the *Working with Children (Risk Management and Screening) Act 2000*.

Public Service Act 2008

- 1 **Section 150, definitions *CCYPCG Act*, *CCYPCG commission*, *CCYPCG commissioner*, *positive exemption notice*, *positive prescribed notice* and *regulated employment*—**

omit.

- 2 **Section 150—**

insert—

chief executive (employment screening) means the chief executive of the employment-screening department.

employment-screening department means the department in which the Working with Children Act is administered.

positive exemption notice means a positive exemption notice under the Working with Children Act.

positive prescribed notice means a positive notice under the Working with Children Act.

regulated employment see the Working with Children Act, section 156.

Working with Children Act means the *Working with Children (Risk Management and Screening) Act 2000*.

- 3 **Section 151, ‘*CCYPCG Act*’—**

omit, insert—

Working with Children Act

- 4 Section 151(2), ‘CCYPCG commission’—**
omit, insert—
employment-screening department
- 5 Section 156, ‘CCYPCG Act’—**
omit, insert—
Working with Children Act
- 6 Section 156(2), ‘CCYPCG commission’—**
omit, insert—
employment-screening department
- 7 Section 157, ‘CCYPCG Act’—**
omit, insert—
Working with Children Act
- 8 Section 158(3), ‘CCYPCG Act’—**
omit, insert—
Working with Children Act
- 9 Section 159(2), ‘CCYPCG commissioner’—**
omit, insert—
chief executive (employment screening)
- 10 Section 159(3), ‘CCYPCG Act’—**
omit, insert—
Working with Children Act

-
- 11 Section 161(1)(c)(i), ‘CCYPCG Act’—**
omit, insert—
Working with Children Act
- 12 Section 162(2)(c)(i), ‘CCYPCG Act’—**
omit, insert—
Working with Children Act
- 13 Section 163, ‘CCYPCG Act’—**
omit, insert—
Working with Children Act
- 14 Section 165A(1), ‘CCYPCG commissioner’—**
omit, insert—
chief executive (employment screening)
- 15 Section 165A(1)(b), ‘CCYPCG Act’—**
omit, insert—
Working with Children Act
- 16 Section 170(7), definition *disqualifying offence*, ‘CCYPCG Act’—**
omit, insert—
Working with Children Act
- 17 Schedule 1, entry for Commission for Children and Young People and Child Guardian—**
omit.
-

18 Schedule 4, definitions *CCYPCG Act, CCYPCG commission and CCYPCG commissioner*—

omit.

19 Schedule 4—

insert—

chief executive (employment screening) see section 150.

employment-screening department see section 150.

Working with Children Act see section 150.

Transport Operations (Passenger Transport) Act 1994

1 Section 28B(3A) to (6)—

omit, insert—

- (3A) Subsection (4) applies only if the person has been convicted of a category B driver disqualifying offence that is also a serious offence or disqualifying offence under the *Working with Children (Risk Management and Screening) Act 2000* to the extent that any qualification under that Act applies to the serious offence or disqualifying offence.
- (4) The chief executive must ask the chief executive (employment screening) whether the chief executive (employment screening) considers an exceptional case exists.
- (4A) For subsection (4), the chief executive may give to the chief executive (employment screening) the information, including any written representations mentioned under subsection (3)(c), the chief executive reasonably considers necessary for the chief executive (employment

screening) to consider whether an exceptional case exists.

- (4B) Also for subsection (4), the chief executive is taken to have made the request under that subsection if the chief executive obtains confirmation from the chief executive (employment screening) that a person is the holder of a current positive notice under the *Working with Children (Risk Management and Screening) Act 2000*.
- (5) The chief executive (employment screening) may give the chief executive the advice requested under subsection (4).
- (5A) However, if subsection (4B) applies, the chief executive (employment screening) is taken to have advised the chief executive that the chief executive (employment screening) considers that an exceptional case exists.
- (6) Without limiting the chief executive's power to take the exclusion action if the advice of the chief executive (employment screening) was requested under subsection (4), the chief executive—
- (a) must take the advice of the chief executive (employment screening) into account; and
 - (b) can not be satisfied that an exceptional case exists if the chief executive (employment screening) advises the chief executive that the chief executive (employment screening) considers an exceptional case does not exist.

2 Section 28B(9)—

omit.

3 Section 104, heading—

omit, insert—

104 Chief executive (employment screening)

4 Section 104(2), ‘Commissioner for Children and Young People and Child Guardian’—

omit, insert—

chief executive (employment screening)

5 Section 148(6)(b), ‘CCYPCG Act’—

omit, insert—

Working with Children (Risk Management and Screening) Act 2000

6 Schedule 3, definition *CCYPCG Act*—

omit.

7 Schedule 3—

insert—

chief executive (employment screening) means the chief executive of the department in which the *Working with Children (Risk Management and Screening) Act 2000* is administered.

8 Schedule 3, definitions *category A driver disqualifying offence*, *category B driver disqualifying offence*, *imprisonment order* and *relevant order*, ‘CCYPCG Act’—

omit, insert—

Working with Children (Risk Management and Screening) Act 2000

Transport Operations (Road Use Management) Act 1995

- 1 Section 122, definition *disqualifying offence*, paragraph (a), ‘Commission for Children and Young People and Child Guardian Act 2000’—**

omit, insert—

Working with Children (Risk Management and Screening) Act 2000

Youth Justice Act 1992

- 1 Section 291—**

omit.

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Authorised by the Parliamentary Counsel