

THIS PUBLIC BILL has this day been read a Third time and passed

The Clerk of the Parliament.

*Legislative Assembly Chamber,
Brisbane, September 2024*



Queensland

**No.
A BILL for**

An Act to amend the Child Protection Act 1999, the Childrens Court Act 1992, the Disability Services Act 2006, the Working with Children (Risk Management and Screening) Act 2000 and the legislation mentioned in schedule 1 for particular purposes



Queensland

Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill 2024

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2024

A Bill

for

An Act to amend the *Child Protection Act 1999*, the *Childrens Court Act 1992*, the *Disability Services Act 2006*, the *Working with Children (Risk Management and Screening) Act 2000* and the legislation mentioned in schedule 1 for particular purposes

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Working with Children (Risk Management and Screening) and Other Legislation Amendment Act 2024*.

2 Commencement

- (1) The following provisions commence on a day to be fixed by proclamation—
 - (a) part 2;
 - (b) parts 4 to 6;
 - (c) schedule 1.
- (2) The *Acts Interpretation Act 1954*, section 15DA does not apply to the following provisions—
 - (a) part 2;
 - (b) section 131.

Part 2 Amendment of Child Protection Act 1999

3 Act amended

This part amends the *Child Protection Act 1999*.

Note—

See also the amendments in schedule 1.

4 Amendment of s 135 (Restrictions on granting application)

Section 135(1)(b)(iv)—

omit.

4A Amendment of s 136 (Refusal of application)

Section 136(2)(c), ‘or (b)(iv)’—

omit.

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

(1) Section 139(5)(b)—

omit, insert—

(b) if the authority is a certificate of approval, other than a kinship carer certificate—the holder of the certificate or an adult member of the holder’s household.

(2) Section 139(6), ‘subdivision (3)’—

omit, insert—

subdivision 3

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

(1) Section 140AB, heading, ‘sdiv 3’—

omit, insert—

subdivision

(2) Section 140AB, definition *approved carer*—

omit.

(3) Section 140AB, definition *relevant person*, paragraph (a), ‘approved carer’s’—

omit, insert—

approved foster carer's

7 Amendment of s 140AC (Immediate suspension)

(1) Section 140AC(1)(a)—

omit, insert—

(a) an approved foster carer, or a member of an approved foster carer's household; or

(2) Section 140AC(2) 'approved carer's'—

omit, insert—

approved foster carer's

8 Amendment of s 140AF (End of suspension)

Section 140AF(1), after 'person's authority'—

insert—

under this subdivision

9 Amendment of s 140AG (Cancellation of certificate of approval)

(1) Section 140AG(1), 'approved carer'—

omit, insert—

approved foster carer

(2) Section 140AG(2), 'approved carer's'—

omit, insert—

approved foster carer's

(3) Section 140AG(3), (4) and (5), 'approved carer's'—

omit, insert—

approved foster carer's

10 Insertion of new ch 9, pt 14

Chapter 9—

insert—

**Part 14 Transitional provision for
Working with Children
(Risk Management and
Screening) and Other
Legislation Amendment
Act 2024**

288 Transitional regulation-making power

- (1) A regulation (a *transitional regulation*) may make provision about a matter for which—
 - (a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of this Act as in force before its amendment by the amendment Act to the operation of this Act as in force from the commencement; and
 - (b) this Act does not provide or sufficiently provide.
- (2) A transitional regulation may have retrospective operation to a day not earlier than the day this section commences.
- (3) A transitional regulation must declare it is a transitional regulation.
- (4) This section and any transitional regulation expire on the day that is 2 years after the day this section commences.
- (5) In this section—

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

Other Legislation Amendment Act 2024.

10A Amendment of sch 2 (Reviewable decisions and aggrieved persons)

Schedule 2, item 10, column 1, ‘or (b)(iv)’—
omit.

11 Schedule 3 (Dictionary)

Schedule 3, definition *approved carer*—
omit, insert—

approved carer means—

- (a) an approved foster carer; or
- (b) an approved kinship carer; or
- (c) a provisionally approved carer.

Part 3 Amendment of Childrens Court Act 1992

12 Act amended

This part amends the *Childrens Court Act 1992*.

13 Insertion of new s 28AA

After section 28—
insert—

28AA Access to child protection records by Australian court or tribunal

- (1) The registrar or clerk of the court may give an Australian court or tribunal access to a child protection record, or information from a child protection record, if the record or information is

relevant to a proceeding before the Australian court or tribunal.

(2) In this section—

Australian court or tribunal means a court or tribunal of the Commonwealth or of a State.

child protection record means a court record, or part of a court record, for a proceeding under the *Child Protection Act 1999*.

14 Insertion of new pt 7, div 6

Part 7—

insert—

Division 6 **Transitional provision for Working with Children (Risk Management and Screening) and Other Legislation Amendment Act 2024**

39 Application of s 28AA

(1) Section 28AA applies in relation to a child protection record whether the record was or is made before or after the commencement.

(2) In this section—

child protection record means a court record, or part of a court record, for a proceeding under the *Child Protection Act 1999*.

omit, insert—

section 138ZLA

20 Amendment of s 138R (Request for other information about relevant person from prescribed entities)

(1) Section 138R(5), definition *prescribed entity—*

insert—

(ba) the chief executive of the disability services department; or

(2) Section 138R(5), definition *prescribed entity*, paragraphs (ba) and (c)—

renumber as paragraphs (c) and (d).

21 Amendment of s 138V (Obtaining report about person's mental health from registered health practitioner)

Section 138V(4), note 2, 'section 227'—

omit, insert—

section 138ZLA

22 Amendment of s 138ZD (Giving information authorised despite other laws)

Section 138ZD(1), note, 'section 227'—

omit, insert—

section 138ZLA

23 Insertion of new pt 5, div 8, sdiv 8A

Part 5, division 8—

insert—

Subdivision 8A Confidentiality

138ZLA Confidentiality of police, disciplinary, mental health and other protected information

- (1) This section applies to a person who—
 - (a) is or has been a public service employee employed in the department; and
 - (b) in that capacity, was given, or given access to, protected information about another person.
- (2) Also, this section applies to a person who is or has been—
 - (a) the Minister and, in that capacity, received a report under section 138ZLD that contains protected information; or
 - (b) a member of the Minister’s staff and, in that capacity, was given, or given access to, a report or information mentioned in paragraph (a).
- (3) The following information is ***protected information*** about a person—
 - (a) police information about the person and information related to the police information;
 - (b) domestic violence information about the person and information related to the domestic violence information;
 - (c) disciplinary information about the person;
 - (d) NDIS disciplinary or misconduct information about the person;
 - (e) information about the person’s mental health, including, for example, information given to the chief executive under subdivision 6;
 - (f) other information about the person given to the chief executive to help the chief

executive decide whether the person poses an unacceptable risk of harm to people with disability, including information about the person given to the chief executive—

- (i) by the NDIS commission; or
- (ii) by an NDIS worker screening unit; or
- (iii) by a prescribed entity under section 138R.

- (4) A person to whom this section applies must not use the protected information, or disclose or give access to the protected information to anyone else, unless the use, disclosure or giving of access is allowed under subsection (5).

Maximum penalty—100 penalty units or 2 years imprisonment.

- (5) The person may use the protected information, or disclose or give access to the protected information to another person, if the use, disclosure or giving of access—
 - (a) is for the performance of the chief executive's screening functions; or
 - (b) is expressly permitted under this part; or
 - (c) happens with the consent of the person to whom the information relates; or
 - (d) for protected information other than a section 93A transcript or a transcript of a recorded statement—is for the purpose of obtaining advice for, or giving advice to, the Minister in relation to the protected information; or
 - (e) is otherwise required under an Act or other law.

**138ZLB Confidentiality of other information
obtained for screening purposes**

- (1) This section applies to a person who—
 - (a) is or has been—
 - (i) a Minister or a member of the Minister’s staff; or
 - (ii) a public service employee employed in the department; and
 - (b) in that capacity, was given, or given access to, screening information.
- (2) The person must not use the screening information, or disclose or give access to the screening information to anyone else, unless the use, disclosure or giving of access is allowed under subsection (3).

Maximum penalty—100 penalty units.

- (3) The person may use the screening information, or disclose or give access to the screening information to another person, if the use, disclosure or giving of access—
 - (a) is for the purpose of this part; or
 - (b) is for the purpose of obtaining advice for, or giving advice to, the Minister in relation to the screening information; or
 - (c) is for the purpose of performing a function under another law; or
 - (d) is for a proceeding in a court or tribunal; or
 - (e) is authorised under a regulation or another law; or
 - (f) happens with the consent of the person to whom the screening information relates; or
 - (g) is to protect a person with disability from abuse, neglect or exploitation.

138ZLC Disclosure by chief executive

- (1) The chief executive may disclose screening information to the NDIS commissioner if the chief executive is satisfied the disclosure would assist in the performance of the NDIS commissioner's functions under the *National Disability Insurance Scheme Act 2013* (Cwlth).
- (2) The chief executive may disclose screening information to an entity responsible for the administration and enforcement of a corresponding law if the chief executive is satisfied the disclosure would assist in the performance of the entity's functions under the corresponding law.

138ZLD Reports by chief executive

- (1) The chief executive may provide the Minister with a report relating to the administration of this part, including the performance and exercise of the chief executive's functions and powers under this part.
- (2) The chief executive must provide the Minister with a report of a type mentioned in subsection (1) if the Minister asks for it.
- (3) A report under this section—
 - (a) may relate to matters generally or to a particular matter; or
 - (b) may include confidential information about a person obtained under this part, including—
 - (i) protected information under section 138ZLA; and
 - (ii) screening information.
- (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.

24 Omission of s 227 (Confidentiality of police, disciplinary, mental health and other protected information)

Section 227—

omit.

25 Amendment of s 228 (Confidentiality of other information)

Section 228(1)—

omit, insert—

(1) This section applies to confidential information other than—

(a) protected information under section 138ZLA(3); or

(b) screening information.

26 Amendment of s 239 (Regulation-making power)

Section 239(2)(a), ‘arrangements between the chief executive and the chief executive (working with children)’—

omit, insert—

procedures, processes and systems

27 Insertion of new pt 9, div 14

Part 9—

insert—

**Division 14 Transitional provision for
Working with Children
(Risk Management and
Screening) and Other
Legislation Amendment
Act 2024**

**393 Confidential information obtained before
commencement**

- (1) A reference in section 138ZLA to protected information is taken to include information that was protected information under former section 227.
- (2) A reference in section 138ZLB to screening information is taken to include information—
 - (a) that was confidential information other than protected information under former section 228; and
 - (b) that was for the screening of a person under part 5.
- (3) In this section—

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

28 Amendment of sch 8 (Dictionary)

- (1) Schedule 8—

insert—

screening information—

- (a) means confidential information obtained for the screening of a person under part 5; but

(b) does not include confidential information that is protected information under section 138ZLA.

(2) Schedule 8, definition *working with children clearance*, ‘section 220(2)’—

omit, insert—

section 18A

Part 5

Amendment of Working with Children (Risk Management and Screening) Act 2000

29 Act amended

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

Note—

See also the amendments in schedule 1.

30 Amendment of s 6 (Principles for administering this Act)

Section 6(b), after ‘wellbeing’—

insert—

, which for an Aboriginal child or Torres Strait Islander child includes recognising the importance of connection with the child’s family, community, culture, traditions and language

31 Amendment of s 8 (Chief executive’s main functions)

Section 8(a) and (b), ‘chapters 7 and 8’—

omit, insert—

this Act

32 Amendment of s 10 (What is employment)

Section 10(4), example 1—

omit, insert—

- 1 A person engaged by a shopping centre to appear as Santa.

33 Insertion of new s 12A

After section 12—

insert—

12A Matters about employment relating to State educational institutions

- (1) This section applies if a person is employed at a State educational institution.
- (2) For this Act, the principal of the State educational institution and the chief executive of the department in which the *Education (General Provisions) Act 2006* is administered are employing the person.

34 Amendment of s 15 (What is a *serious offence*)

- (1) Section 15(1)(a), ‘relating to the provision’—

omit.

- (2) Section 15(1)(e), after ‘committed,’—

insert—

or is alleged to have been committed,

- (3) Section 15—

insert—

- (1A) Despite subsection (1), an offence is not a *serious offence* if the offence was committed, or is alleged to have been committed, by a person when the person was a child.

(1B) However, if the conduct constituting or alleged to constitute an offence occurs between 2 dates, the first on which the person was a child and the second on which the person was an adult, the conduct is taken to occur when the person was an adult.

(4) Section 15(1A) to (2)—
renumber as section 15(2) to (4).

35 **Amendment of s 16 (What is a *disqualifying offence*)**

(1) Section 16(1)(a), ‘relating to the provision’—
omit.

(2) Section 16(1)(e), after ‘committed’—
insert—

, or alleged to have been committed,

(3) Section 16—
insert—

(1A) Despite subsection (1), an offence is not a *disqualifying offence* if the offence was committed, or is alleged to have been committed, by a person when the person was a child.

(1B) However, if the conduct constituting or alleged to constitute an offence occurs between 2 dates, the first on which the person was a child and the second on which the person was an adult, the conduct is taken to occur when the person was an adult.

(4) Section 16(1A) to (2)—
renumber as section 16(2) to (4).

36 **Amendment of s 17 (Who is a *disqualified person*)**

Section 17(2) and note—

omit.

37 Replacement of s 18 (Who is a *relevant disqualified person*)

Section 18—

omit, insert—

18 Meaning of *working with children authority*

A *working with children authority* means—

- (a) a working with children clearance; or
- (b) a working with children exemption.

18A Meaning of *working with children clearance*

A *working with children clearance* is an authority—

- (a) issued by the chief executive to a person who made a working with children check (general) application; and
- (b) that indicates—
 - (i) screening of the person has been undertaken under this Act; and
 - (ii) the person is authorised to engage in regulated employment or carry on a regulated business.

18B Meaning of *working with children exemption*

A *working with children exemption* is an authority—

- (a) issued by the chief executive to a person who made a working with children check (exemption) application; and
- (b) that indicates—

- (i) screening of the person has been undertaken under this Act; and
- (ii) the person is authorised to engage in regulated employment or carry on a regulated business outside of the scope of the person's responsibilities as a police officer or registered teacher.

18C Meaning of *negative notice*

A *negative notice* is a declaration, issued by the chief executive to a person, that indicates—

- (a) screening of the person has been undertaken under this Act; and
- (b) the person is not authorised to engage in regulated employment or carry on a regulated business.

18D Meaning of *risk to the safety of children*

A reference in this Act to a *risk to the safety of children* is a reference to a real and appreciable risk to the safety of children.

38 Amendment of s 156 (Regulated employment)

Section 156(4)—

omit, insert—

- (4) Further, subject to subsections (5) and (6), the employment of a person is not regulated employment if—
 - (a) the person is employed to work, and works, in the employment for not more than 7 days in a calendar year; or
 - (b) the person is a parent providing a service or activity on a voluntary basis to children and

the children to whom the service or activity is provided include the person's own child.

- (5) Despite subsection (4), a person is employed in regulated employment if the employment or the service or activity includes, or is likely to include, an overnight camp or excursion for children under schedule 1, section 9.
- (6) Also, despite subsection (4)(b), a person is employed in regulated employment if the person is a parent providing a service or activity to a child that includes, or may include, close personal contact with a child other than the person's own child.

Examples of close personal contact with a child—

assisting a child with toileting, bathing or dressing

39 Replacement of ss 158 and 159

Sections 158 and 159—

omit, insert—

158 Special exemptions for emergency services workers from interstate or overseas

- (1) Subsection (2) applies if an emergency services worker is deployed from an interstate or overseas location in the following circumstances—
 - (a) to assist the response to a disaster situation;
 - (b) to respond to a significant fire event.
- (2) The emergency services worker is exempt from the requirement to hold a working with children authority under this Act.
- (3) The exemption applies—
 - (a) for a disaster situation declared under the *Disaster Management Act 2003*, section 64(1)—for the duration of the disaster situation under section 66 of that Act; or

- (b) for a disaster situation declared under the *Disaster Management Act 2003*, section 69—for the duration of the disaster situation under section 71 of that Act; or
 - (c) for a significant fire event—for the period of the state of fire emergency under the *Fire Services Act 1990*, section 145V.
- (4) This section does not limit section 156(4)(a).
- (5) In this section—

disaster situation see the *Disaster Management Act 2003*, schedule.

emergency service means an interstate or overseas entity that performs emergency services equivalent to—

- (a) Marine Rescue Queensland, established under the *Marine Rescue Queensland Act 2024*, section 6; or
- (b) Queensland Fire and Rescue, established under the *Fire Services Act 1990*, section 8(1); or
- (c) Rural Fire Service Queensland, established under the *Fire Services Act 1990*, section 8(2); or
- (d) the State Emergency Service, established under the *State Emergency Service Act 2024*, section 6.

emergency services worker means a person employed or engaged as an officer, employee or volunteer of an emergency service.

significant fire event means an event the subject of a state of fire emergency declaration under the *Fire Services Act 1990*, section 145T.

40 Amendment of s 176H (Definitions for division)

- (1) Section 176H, definition *restricted employment*, paragraph (b)—

omit, insert—

- (b) schedule 1, section 6A(3)(a) or (b).

- (2) Section 176H, definition *restricted person*, paragraph (c), note—

omit.

41 Omission of ch 8, pt 1 (Restrictions on making working with children check applications)

Chapter 8, part 1—

omit.

42 Insertion of new s 186

Before section 187—

insert—

186 Meaning of *disclosable matter*

- (1) A *disclosable matter*, in relation to a person, is a matter that relates to any of the following—
- (a) a domestic violence order made, or police protection notice issued, against the person under the *Domestic and Family Violence Protection Act 2012*;
 - (b) an adverse interstate WWC decision against the person;
 - (c) an allegation of harm caused by the person substantiated by the chief executive (child safety) or the chief executive of the department of another State administering a child welfare law of the State;

- (d) a type of disciplinary action taken against the person that is prescribed by regulation;
- (e) another matter relevant to whether the person poses a risk to the safety of children prescribed by regulation.

(2) In this section—

child welfare law see the *Child Protection Act 1999*, schedule 3.

43 Amendment of s 187A (Application combined with disability worker screening application)

Section 187A(4), '(disability services)'—

omit, insert—

(disability worker screening)

44 Amendment of s 188 (Form of application)

Section 188(4)—

omit, insert—

- (4) Further, the approved form may provide for the applicant to disclose whether particular police information or a disclosable matter exists in relation to the applicant.
- (5) If the approved form provides for the applicant to disclose whether particular police information exists in relation to the applicant, the applicant must not fail to disclose the police information.

Maximum penalty—100 penalty units.

- (6) If the approved form provides for the applicant to disclose whether a disclosable matter exists in relation to the applicant, the applicant must not fail to disclose the disclosable matter.

Maximum penalty—10 penalty units.

45 Omission of s 192 (Effect of application by disqualified person)

Section 192—

omit.

46 Amendment of s 193 (Effect of application by negative notice holder)

(1) Section 193—

insert—

(3A) A notice given to the applicant under subsection (3) must also state the following matters—

(a) the applicant may apply to cancel a negative notice under section 304G if—

(i) the applicant is not a disqualified person; and

(ii) the applicant is not the subject of an adverse interstate WWC decision that is in effect; and

(iii) the application is made more than 3 years after the negative notice was issued;

(b) if either of the following applies, the applicant may apply under section 304G to cancel the negative notice—

(i) the decision to issue the notice was based on wrong or incomplete information;

(ii) the negative notice was issued because the applicant was a disqualified person and the applicant is no longer a disqualified person.

(2) Section 193(4), ‘relevant’—

omit.

- (3) Section 193(3A) and (4)—
renumber as section 193(4) and (5).

47 Amendment of s 193A (Effect of interim bar imposed by chief executive (disability services))

- (1) Section 193A, heading, ‘by chief executive (disability services)’—

omit, insert—

under Disability Services Act 2006

- (2) Section 193A(1)(b), ‘the chief executive (disability services) has imposed an interim bar’—

omit, insert—

an interim bar has been imposed

48 Replacement of s 194 (Application of part)

Section 194—

omit, insert—

194 Application of part

This part applies to a working with children check application.

49 Amendment of s 196A (Withdrawal of combined application)

Section 196A(5), ‘(disability services)’—

omit, insert—

(disability worker screening)

50 Amendment of s 197 (Deemed withdrawal—identity can not be established)

- (1) Section 197, heading, ‘Deemed withdrawal’—

omit, insert—

Withdrawal by chief executive

- (2) Section 197(a), ‘182(1)(a) or’—

omit.

- (3) Section 197(b), ‘182(2) or’—

omit.

51 Replacement of s 198 (Deemed withdrawal—failure to comply with particular requests)

Section 198—

omit, insert—

198 Withdrawal by chief executive—failure to comply with particular requests

- (1) The chief executive must withdraw an application if—
- (a) the chief executive gives the applicant a notice under section 190(1)(b) or 190A(2); and
 - (b) the notice includes a warning that, if the applicant does not comply with the notice, the application will be withdrawn; and
 - (c) the person does not comply with the notice.
- (2) The chief executive may withdraw an application if—
- (a) the chief executive gives the applicant a notice under section 330, 332 or 333 asking the applicant to give the consent, or take the other action, stated in the notice; and
 - (b) the notice includes a warning that, if the applicant does not comply with the notice, the chief executive may withdraw the application; and

(c) the person does not comply with the notice.

52 Amendment of s 199 (Deemed withdrawal—applicant charged with serious offence or disqualifying offence etc.)

(1) Section 199, heading, ‘Deemed withdrawal’—
omit, insert—

Withdrawal by chief executive

(2) Section 199(2)(b), after ‘offence’—
insert—

for an employer or potential employer

53 Amendment of s 200 (Deemed withdrawal—applicant no longer police officer or registered teacher)

Section 200, heading, ‘Deemed withdrawal’—
omit, insert—

Withdrawal by chief executive

54 Amendment of s 201 (Deemed withdrawal—adverse interstate WWC decision in effect)

(1) Section 201, heading, ‘Deemed withdrawal’—
omit, insert—

Withdrawal by chief executive

(2) Section 201(2)(b), after ‘offence’—
insert—

for an employer or potential employer

55 Amendment of ch 8, pt 4 (Working with children clearances)

Chapter 8, part 4, heading, ‘clearances’—

omit, insert—
authorities

56 Replacement of ch 8, pt 4, divs 9 and 10

Chapter 8, part 4, divisions 9 and 10—

omit, insert—

Division 9 Dealing with and deciding applications

Subdivision 1 Preliminary

219 Application of division

This division applies in relation to a working with children check application made by a person if the application has not been withdrawn.

Note—

See section 294, which provides that the chief executive must decide certain matters under this division.

220 Assessable information in relation to applications

The chief executive must consider each of the following types of information (*assessable information*), of which the chief executive is aware, about the person who made the application—

- (a) police information;
- (b) domestic violence information;
- (c) disciplinary information;
- (d) adverse interstate WWC information;

- (e) other information about the person that the chief executive reasonably believes is relevant to deciding whether the person poses a risk to the safety of children.

Subdivision 2 Working with children check (exemption) applications

221 Definition for subdivision

In this subdivision—

identifying information, in relation to a person, means the following—

- (a) the person's name and any other name that the chief executive believes the person may use or may have used;
- (b) the person's gender;
- (c) the person's date and place of birth;
- (d) any other information given by the person about—
 - (i) if the person claims to be a police officer—the person's status as a police officer; or

Example for subparagraph (i)—

a number identifying the person as a police officer

- (ii) if the person claims to be a registered teacher—the person's status as a registered teacher, including any number, date or other information.

Example for subparagraph (ii)—

the person's identification number for the person's registration under the *Education (Queensland College of Teachers) Act 2005*

222 Additional requirements for working with children check (exemption) application

- (1) This section applies in relation to a working with children check (exemption) application made by a person.
- (2) Before deciding the application, the chief executive must ask for information about the person—
 - (a) if the person claims to be a police officer—from the police commissioner; or
 - (b) if the person claims to be a registered teacher—from the college of teachers.
- (3) For subsection (2), the chief executive's request may include identifying information for the person.
- (4) The police commissioner or the college of teachers must comply with the request.
- (5) For the purposes of the application—
 - (a) a person is a police officer only if the police commissioner has advised the chief executive that the person is a police officer under this section; and
 - (b) a person is a registered teacher only if the college of teachers has advised the chief executive that the person is a registered teacher under this section.
- (6) The chief executive may decide the application under subdivision 3 only if the person is a police officer or a registered teacher.

223 Obtaining advice from police commissioner

- (1) This section applies if—
 - (a) a working with children check (exemption) application is for a person who is a police officer; and
 - (b) the police commissioner has advised the chief executive under section 222 that the person is a police officer.
- (2) Before deciding the application, the chief executive must ask the police commissioner to advise the chief executive whether the chief executive may need to undertake further employment screening of the person.
- (3) For subsection (2), the chief executive's request may include identifying information for the person.
- (4) The police commissioner must comply with the request.
- (5) However, the police commissioner may give advice under subsection (2) only if the police commissioner is aware—
 - (a) the person has been charged with an offence; and
 - (b) the charge has not been finally dealt with.

224 Obtaining advice from college of teachers

- (1) This section applies if—
 - (a) a working with children check (exemption) application is for a person who is a registered teacher; and
 - (b) the college of teachers has advised the chief executive under section 222 that the person is a registered teacher.

- (2) Before deciding the application, the chief executive must ask the college of teachers to advise the chief executive whether the chief executive may need to undertake further employment screening of the person.
- (3) For subsection (2), the chief executive's request may include identifying information for the person.
- (4) The college of teachers must comply with the request.
- (5) However, the college of teachers may give advice under subsection (2) only if the college is aware of any police information about the person.
- (6) If the college of teachers gives advice under subsection (2), the chief executive must not, because the advice was given—
 - (a) make any adverse inference about the person's police information; or
 - (b) infer that a negative notice should be issued to the person.
- (7) In this section—

police information see the *Education (Queensland College of Teachers) Act 2005*, schedule 3.

225 Further employment screening

- (1) This section applies if the police commissioner or college of teachers advises the chief executive under section 223 or 224 that the chief executive may need to undertake further employment screening of the person.
- (2) Before deciding the application, the chief executive must ask for information about the person under section 311.

Subdivision 3 Deciding applications

226 Chief executive to decide application and issue authority or notice

- (1) The chief executive must approve or refuse an application in accordance with this subdivision.
- (2) If the chief executive approves an application, the chief executive must issue to the person—
 - (a) if the person made a working with children check (general) application—a working with children clearance; or
 - (b) if the person made a working with children check (exemption) application—a working with children exemption.
- (3) If the chief executive refuses an application, the chief executive must issue a negative notice to the person.
- (4) The working with children authority or negative notice must be issued in writing.

227 Deciding application—no assessable information

- (1) The chief executive must approve an application if the chief executive is not aware of any assessable information about the person who made the application.
- (2) However, for a working with children check (exemption) application, the chief executive may approve the application only if the chief executive is also satisfied further employment screening is not required.

Note—

See sections 223 and 224.

228 Deciding application—disqualified person

If the chief executive is aware the person who made the application is a disqualified person, the chief executive must refuse the application.

229 Deciding application—exceptional case

- (1) This section applies if the person who made the application—
 - (a) has been a disqualified person at any time but is no longer a disqualified person (other than a person who was a disqualified person by reason of a conviction, sentence or order that was set aside on appeal); or
 - (b) has been convicted of a serious offence at any time.
- (2) The chief executive must refuse the application.
- (3) However, the chief executive may approve the application if the chief executive is satisfied it is an exceptional case in which the person would not pose a risk to the safety of children if a working with children authority were issued to the person.
- (4) In deciding whether a case is an exceptional case, the chief executive must conduct a risk assessment.

230 Deciding application—general assessment of risk posed

- (1) This section applies if sections 227, 228 and 229 do not apply in relation to an application made by a person.
- (2) The chief executive must approve the application unless the chief executive is satisfied the person poses a risk to the safety of children.
- (3) In deciding whether the person poses a risk to the

safety of children, the chief executive must conduct a risk assessment.

Subdivision 4 Risk assessment

231 Application of subdivision

This subdivision applies if the chief executive is conducting a risk assessment under section 229 or 230 in relation to a person who made an application.

232 How chief executive conducts risk assessment

- (1) The chief executive conducts a risk assessment of the person by—
 - (a) considering the information about the person obtained by the chief executive for the purpose of this division; and
 - (b) if the chief executive refers a matter to an advisory committee—considering the advice or recommendations of the advisory committee; and
 - (c) if the chief executive appoints an expert advisor in relation to the risk assessment—considering the advice of the expert advisor; and
 - (d) deciding whether the person poses a risk to the safety of children, including by applying the reasonable person test under section 233.
- (2) For the chief executive to decide that a person poses a risk to the safety of children, the chief executive—

- (a) must be satisfied there is a real possibility that the person will pose a risk to the safety of children; and
- (b) does not need to be satisfied that it is likely the person will pose a risk to the safety of children.

233 Reasonable person test

- (1) The chief executive may decide a person does not pose a risk to the safety of children only if the chief executive is satisfied that a reasonable person would allow their child to have direct contact with the person—
 - (a) whether supervised or unsupervised by another person; and
 - (b) while the person is engaged in regulated employment or carries on a regulated business.
- (2) In this section—

direct contact means contact between a person and a child that involves 1 or more of the following—

- (a) physical contact;
- (b) face to face contact;
- (c) contact by post or other written communication;
- (d) contact by telephone or other oral communication;
- (e) contact by email or other electronic communication.

234 Matters to consider in relation to particular conduct

- (1) This section applies if the chief executive is aware of conduct by the person, including alleged conduct, in relation to which there is assessable information of which the chief executive is aware.
- (2) The chief executive must consider the following matters in deciding whether the person poses a risk to the safety of children—
 - (a) the nature, gravity and circumstances of the conduct;
 - (b) how the person’s conduct is relevant to engaging in regulated employment or the carrying on of a regulated business;
 - (c) how long ago the person’s conduct occurred;
 - (d) if the person’s conduct involved the commission of an offence or another act against another person (the *victim*)—
 - (i) the victim’s vulnerability at the time of the conduct; and
 - (ii) the age difference between the person and the victim at the time of the conduct; and
 - (iii) the person’s relationship to, or position of authority over, the victim at the time of the conduct;
 - (e) whether the person’s conduct indicates a pattern of concerning behaviour;
 - (f) the person’s conduct since the conduct mentioned in subsection (1);
 - (g) if the person is an Aboriginal person or Torres Strait Islander person—the effect of—

- (i) systemic disadvantage and intergenerational trauma; and
- (ii) the historical context and limitations on access to justice;
- (h) any information given by the person in, or in relation to, the application;
- (i) any other circumstances relevant to the person's conduct;
Example for paragraph (i)—
 - a report given to the chief executive about the person's mental health
- (j) any other matters the chief executive considers relevant.

235 Requirements before deciding person poses risk to safety of children

- (1) This section applies if the chief executive is proposing to decide that a person poses a risk to the safety of children.
- (2) Before deciding the person's application, the chief executive must—
 - (a) give the person written notice of the matters set out in section 236; and
 - (b) consider any submissions made by the person about the matters set out in section 236(1)(c).

236 Requirements for notice

- (1) A notice under section 235 must—
 - (a) include the assessable information about the person of which the chief executive is aware; and

- (b) state that the chief executive proposes to refuse the application and issue a negative notice to the person unless the chief executive is satisfied that—
 - (i) the person does not pose a risk to the safety of children; and
 - (ii) if section 229 applies in relation to the person—there is an exceptional case for the person; and
 - (c) invite the person to make submissions to the chief executive about the following—
 - (i) why the person does not pose a risk to the safety of children;
 - (ii) why the chief executive should issue a working with children authority to the person;
 - (iii) if section 229 applies in relation to the person—why there is an exceptional case for the person; and
 - (d) state the period within which the person may make the submissions, which must be a period of at least 7 days after the chief executive gives the person the notice.
- (2) In this section—
- exceptional case* means exceptional case mentioned in section 229(3).

237 Submissions to chief executive

A person invited to make submissions to the chief executive under section 236(1)(c) may do so—

- (a) in writing; or
- (b) if the chief executive considers it reasonable in the circumstances to receive oral submissions—orally.

Subdivision 5 Term of authority or negative notice

238 Term of working with children authority

- (1) Unless cancelled earlier under part 5A, the term of a working with children authority issued to a person is—
 - (a) if the chief executive decides the term of the authority under subsection (2)—the term decided by the chief executive; or
 - (b) otherwise—3 years.
- (2) The chief executive may decide that the term of a person’s working with children authority is the same as the term of—
 - (a) if the person made a combined application—a disability clearance issued to the person by the chief executive (disability worker screening) after deciding the application; or
 - (b) a disability clearance otherwise held by the person.
- (3) The term decided by the chief executive under subsection (2) may be less than 3 years or more than 3 years.

Note—

Under the *Disability Services Act 2006*, section 101, the term of an NDIS clearance is 5 years and the term of a State clearance is 3 years.

239 Term of exemption

- (1) Unless an event mentioned in subsection (4) happens earlier, the term of a working with children exemption issued to a person is—

- (a) if the chief executive decides the term of the exemption under subsection (2)—the term decided by the chief executive; or
 - (b) otherwise—3 years.
- (2) The chief executive may decide that the term of a person’s working with children exemption is the same as the term of—
- (a) if the person made a combined application—a disability clearance issued to the person by the chief executive (disability worker screening) after deciding the application; or
 - (b) a disability clearance otherwise held by the person.
- (3) The term decided by the chief executive under subsection (2) may be less than 3 years or more than 3 years.

Note—

Under the *Disability Services Act 2006*, section 101, the term of an NDIS clearance is 5 years and the term of a State clearance is 3 years.

- (4) For subsection (1), each of the following is an event for a working with children exemption—
- (a) the term of the exemption ends under section 350A because the holder of the exemption stops being a police officer or registered teacher;
 - (b) the exemption is cancelled under part 5A.

240 Term of negative notice

A negative notice remains in effect until it is cancelled under part 5A.

Subdivision 6 Advisory committees

241 Definition for subdivision

In this subdivision—

committee member means a member of an advisory committee.

242 Establishment of advisory committees

The chief executive may establish 1 or more advisory committees.

243 Functions and powers

- (1) An advisory committee has the following functions—
 - (a) reviewing information referred to the advisory committee by the chief executive in relation to the risk assessment of a person;
 - (b) providing advice or recommendations to the chief executive about the risk assessment of a person based on the information referred to the committee under paragraph (a).
- (2) An advisory committee has power to do anything necessary or convenient to be done in performing its functions.

244 Chief executive referral to advisory committee

The chief executive may refer to an advisory committee all or any aspect of a risk assessment that the chief executive considers will assist in making a decision.

245 Giving information to advisory committee

- (1) The chief executive may give information to an advisory committee about—

- (a) a working with children check application made by a person; or
 - (b) a negative notice held by a person; or
 - (c) if a person holds a working with children authority—a change in assessable information about the person.
- (2) Before the chief executive gives the information the chief executive must, by written notice—
- (a) ask the person the subject of the risk assessment for consent to give the information; and
 - (b) state the reasons for the request to give the information.
- (3) The chief executive may only give the information to the advisory committee if the person gives the chief executive written consent.
- (4) In this section—
- give*, information, includes give access to information.
- information* includes—
- (a) protected information under section 384; and
 - (b) confidential information to which section 385 applies.

246 Consent to give information not provided

If a person does not consent to the chief executive giving information under section 245(3), the chief executive must not—

- (a) refer the risk assessment, or any aspect of the risk assessment, to an advisory committee; or

- (b) give the information to an advisory committee.

246A Membership and procedures of advisory committees

- (1) The chief executive—
 - (a) may appoint members to an advisory committee; and
 - (b) must give each committee member written notice of the member's appointment.
- (2) If the chief executive decides a committee member is no longer eligible or suitable for membership of an advisory committee, the chief executive must revoke the committee member's appointment by written notice given to the committee member.
- (3) A regulation may provide for the following for an advisory committee—
 - (a) the scope of the committee's functions;
 - (b) the membership of the committee;
 - (c) eligibility for membership;
 - (d) procedures for nomination of committee members;
 - (e) the term of membership;
 - (f) vacation of office of committee members;
 - (g) other matters that facilitate the effective operation of the committee.

246B Investigations about suitability of advisory committee members

- (1) The chief executive may make inquiries to decide whether a person is suitable for appointment as, or to continue as, a committee member.

- (2) Without limiting subsection (1), the chief executive may ask the police commissioner for the following information—
 - (a) a written report about the person’s criminal history;
 - (b) a brief description of the circumstances of any conviction mentioned in the criminal history.
- (3) The police commissioner must comply with a request under subsection (2).
- (4) However, the chief executive may make a request about a person under subsection (2) only if the person has given the chief executive written consent for the request.
- (5) If the person does not give the written consent to the chief executive, the person is taken not to be suitable for appointment as, or to continue as, a committee member.
- (6) The chief executive must ensure information provided by the police commissioner under subsection (3) is destroyed as soon as practicable after the information is no longer needed for the purpose for which it was requested.
- (7) The chief executive must give the person a copy of information given to the chief executive under subsection (3).
- (8) In this section—

criminal history, of a person, means the person’s criminal history as defined under the *Criminal Law (Rehabilitation of Offenders) Act 1986*, other than spent convictions.

246C Conflicts of interest

- (1) This section applies if a committee member has a

direct or indirect interest in an issue being considered, or about to be considered, by the advisory committee that could conflict with the proper performance of the committee member's duties about the consideration of an issue.

- (2) As soon as practicable after the committee member becomes aware of the facts of the issue, the committee member must disclose the nature of the interest to the advisory committee.
- (3) Unless the advisory committee otherwise directs, the committee member must not be present when the advisory committee—
 - (a) considers the issue; or
 - (b) considers the advice or recommendations that the advisory committee will give to the chief executive.

Subdivision 7 Miscellaneous

246D Expert advisors

The chief executive may appoint a person having specialist knowledge or skills to help the chief executive in conducting a risk assessment.

246E Risk assessment guidelines

- (1) The chief executive must make guidelines about how a risk assessment is conducted.
- (2) The guidelines are a statutory instrument within the meaning of the *Statutory Instruments Act 1992*, but are not subordinate legislation.

Division 10 Steps after application decided

246F Application of division

This division applies if the chief executive decides a working with children check application.

246G Issue of card

The chief executive must issue—

- (a) if the chief executive decides to issue a person a working with children clearance—a working with children card for the clearance to the person; or
- (b) if the chief executive decides to issue a person a working with children exemption—a working with children card for the exemption to the person.

246H Issuing negative notice

If the chief executive issues a negative notice to a person, the negative notice must be accompanied by a written notice stating the following—

- (a) the chief executive has decided to issue the person a negative notice;
- (b) the reasons for the chief executive's decision;
- (c) the relevant review and appeal information;
- (d) that it is an offence for a person who holds a negative notice to—
 - (i) start regulated employment or restricted employment; or
 - (ii) continue in regulated employment or restricted employment; or
 - (iii) carry on a regulated business.

246I Persons to be notified of decision

- (1) The chief executive must give each notifiable person for the person a written notice stating the person was issued—
 - (a) a working with children clearance; or
 - (b) a working with children exemption; or
 - (c) a negative notice.
- (2) If the person is issued a negative notice on the basis the person is or was a disqualified person and a notice about the person is given to the chief executive (child safety) under subsection (1), the notice must also state the provision of this part under which the negative notice was issued.

Note—

See sections 228 and 229 for circumstances in which a negative notice is issued to a person on the basis the person is or was a disqualified person.

- (3) The chief executive may also give a potential employer for the person a notice mentioned in subsection (1).

246J Public sector entity to be given particular advice

- (1) This section applies if—
 - (a) the chief executive issues—
 - (i) a working with children clearance to a person; or
 - (ii) a working with children exemption to a person; and
 - (b) the chief executive of another public sector entity (the *other chief executive*) proposes to start employing, or continue employing, the person in regulated employment; and

- (c) the other chief executive asks the chief executive for advice under this section.
- (2) The chief executive may advise the other chief executive that the other chief executive may need to undertake a further assessment of the person under the *Public Sector Act 2022*, chapter 3, part 5, division 4 to decide whether the other chief executive should employ, or continue employing, the person in regulated employment.

Note—

The *Public Sector Act 2022*, chapter 3, part 5, division 4 does not apply in relation to the engagement of particular persons by a public sector entity. See section 64 of that Act.

- (3) However, the chief executive may give the advice mentioned in subsection (2) only if the chief executive is aware that the person has a criminal history.
- (4) If the chief executive gives advice under subsection (2), the advice must be accompanied by a written notice stating that no adverse inference about the person's criminal history or suitability for employment, or continued employment, by the other public sector entity should be made because the advice was given.

57 Omission of ch 8, pt 5 (Working with children exemptions)

Chapter 8, part 5—

omit.

58 Amendment of s 294 (Chief executive's decisions under this part)

(1) Section 294(1)—

insert—

(c) whether to cancel a person's suspended working with children authority or end the suspension of a person's working with children authority.

(2) Section 294(2)—

omit, insert—

(2) The chief executive must decide the matter as if it were a decision about a working with children check application and, for that purpose, part 4, division 9 applies.

(3) Section 294(3), 'The division mentioned in subsection (2)'—

omit, insert—

Part 4, division 9

(4) Section 294(3)(a), 'issuing a working with children clearance or working with children exemption'—

omit, insert—

approving an application for a working with children authority

(5) Section 294(3)(a)—

insert—

(v) to end the suspension of a person's working with children authority; and

(6) Section 294(3)(b), 'issuing a negative notice'—

omit, insert—

refusing an application for a working with children authority

59 Amendment of s 295 (Application of division)

(1) Section 295(a), 'a serious offence or disqualifying offence'—

omit, insert—

an offence listed in schedule 2 or 4

(2) Section 295—

insert—

(2) This division also applies if—

- (a) the chief executive becomes aware of assessable information about a person who holds a working with children authority that—
 - (i) was not known to the chief executive when the chief executive decided to issue the authority; and
 - (ii) the chief executive reasonably believes is relevant to deciding whether the person would pose a risk to the safety of children if the person continues to hold the authority, taking into account the reasonable person test in section 233 and the matters in section 234; and
- (b) the chief executive considers that if the person were permitted to engage in, or continue to engage in, regulated employment or carry on a regulated business pending the determination of the person's continuing eligibility to hold an authority, the person would pose a risk to the safety of children.

60 Amendment of s 297 (Notifiable persons and potential employers notified about suspension)

Section 297(1)(d), after 'offence'—

insert—

for an employer

61 Amendment of s 298 (Effect of suspension of working with children authority)

(1) Section 298(3)—

omit, insert—

(3) A person’s employer or potential employer who is given a notice about the suspension must not allow the person to perform work that is regulated employment.

Maximum penalty—200 penalty units or 2 years imprisonment.

(2) Section 298(4), ‘who is given a notice about the suspension under section 297’—

omit, insert—

or potential employer who is given a notice about the suspension

(3) Section 298(5), ‘section 231(1) or 289(1)’—

omit, insert—

section 238(1) or 239(1)

62 Amendment of s 299 (When suspension of authority ends)

Section 299—

insert—

Note—

See section 300(4) to (6) for when a person’s authority continues to be suspended.

63 Replacement of s 300 (Chief executive’s decision about suspended authority)

Section 300—

omit, insert—

300 Deciding whether to cancel, end or continue suspension of authority

- (1) The chief executive may decide to—
 - (a) cancel a person’s working with children authority; or
 - (b) end the suspension of a person’s working with children authority; or
 - (c) if subsection (4) applies—take no action and continue the suspension of the authority.
- (2) The chief executive may make a decision under subsection (1)—
 - (a) on the chief executive’s own initiative; or
 - (b) on the application of a person under section 300A.
- (3) The chief executive must not make a decision under subsection (1) if the chief executive is required to cancel the person’s working with children authority under section 303 or 303A.
- (4) The chief executive is not required to decide a person’s application under section 300A—
 - (a) while the person is subject to a charge for an offence that has not been dealt with; or
 - (b) if the person has been convicted of an offence and either—
 - (i) the period allowed for an appeal relating to the person’s conviction or sentence has not ended; or
 - (ii) an appeal relating to the conviction or sentence has started but has not been decided; or
 - (c) if the person is a registered teacher—while the person’s teacher registration is suspended under the *Education*

(*Queensland College of Teachers*) Act 2005,
section 49; or

- (d) if the person holds an interstate working with children authority—while the person’s authority is suspended under a corresponding WWC law; or
 - (e) if the person is an applicant for an interstate working with children check application—while the person is subject to an interstate interim bar in relation to the application.
- (5) If the chief executive does not decide the application under subsection (4), the person’s authority continues to be suspended.
- (6) If subsection (5) applies, the chief executive must give the person a notice that states the reasons for the continued suspension of the person’s authority.

300A Application to chief executive to end suspension of authority

- (1) If a person’s working with children authority has been suspended for at least 6 months, the person may apply to the chief executive to end the suspension of the authority.
- (2) The application must be made—
 - (a) in the approved form; and
 - (b) in an approved way.

64 Amendment of s 301 (Chief executive decides to cancel suspended authority)

- (1) Section 301(1)(c)(iv), ‘relevant’—
omit.

(2) Section 301(1)(d)(iii), after ‘offence’—

insert—

for an employer

65 Amendment of s 302 (Chief executive decides not to cancel suspended authority)

(1) Section 302, heading ‘not to cancel suspended authority’—

omit, insert—

to end suspension of authority

(2) Section 302(1), ‘not to cancel’—

omit, insert—

to end the suspension of

66 Amendment of s 303 (Cancelling authority if relevant disqualified person)

(1) Section 303, ‘relevant’—

omit.

(2) Section 303—

insert—

(1A) Also, this section applies if—

(a) the chief executive becomes aware that a person who holds a working with children authority was convicted of a disqualifying offence prior to the issue of the authority; and

(b) the chief executive was not aware of the person’s conviction for the disqualifying offence at the time the authority was issued.

(3) Section 303(1A) and (2)—

renumber as section 303(2) and (3).

67 Amendment of s 304 (Cancelling authority issued because of wrong or incomplete information)

Section 304—

insert—

- (2) However, if the chief executive gives a notice under section 235 requesting submissions from the person but is not satisfied the person received the notice, the chief executive may cancel the person's authority without issuing a negative notice to the person.

Examples for subsection (2)—

- 1 The chief executive sent a notice under section 235 by post to the address of the place of residence of the person last known to the chief executive, but the notice is returned to the chief executive because the person no longer lives at the address.
- 2 The chief executive gave a notice under section 235 and did not receive a response to the notice. The chief executive then tried to contact the applicant by phone or email and was not successful.

68 Amendment of s 304A (Cancelling authority because of subsequent information)

- (1) Section 304A(1)(b)—

omit, insert—

- (b) other information about the person that the chief executive reasonably believes is relevant to deciding whether it would pose a risk to the safety of children if the person were to continue to hold the authority; or

- (2) Section 304A—

insert—

- (4) However, if the chief executive gives a notice under section 235 requesting submissions from the person but is not satisfied the person received

the notice, the chief executive may cancel the person's authority without issuing a negative notice to the person.

Examples for subsection (4)—

- 1 The chief executive sent a notice under section 235 by post to the address of the place of residence of the person last known to the chief executive, but the notice is returned to the chief executive because the person no longer lives at the address.
- 2 The chief executive gave a notice under section 235 and did not receive a response to the notice. The chief executive then tried to contact the applicant by phone or email and was not successful.

69 Amendment of s 304B (Action after decision)

- (1) Section 304B(1)(b) and (2), '304A'—

omit, insert—

304A(3)

- (2) Section 304B(2)(e), 'relevant'—

omit.

- (3) Section 304B(4), 'section 231(1) or 289(1)'—

omit, insert—

section 238(1) or 239(1)

70 Amendment of s 304C (Notifiable persons and potential employers notified about cancellation)

- (1) Section 304C(1)(b), '304A'—

omit, insert—

304A(3)

- (2) Section 304C(1)(c)—

omit, insert—

(c) it is an offence for an employer to employ or continue to employ the person in regulated employment.

(3) Section 304C(2A), after ‘303A’—

insert—

or 304A(4)

(4) Section 304C(2A), from ‘must state’—

omit, insert—

must state—

(a) that the person’s authority was cancelled;
and

(b) the section the authority was cancelled
under.

71 Amendment of s 304D (Request to cancel working with children authority)

Section 304D(3)—

omit, insert—

(3) The request may be made orally or in writing.

72 Amendment of s 304F (Notifiable persons and potential employers notified about cancellation)

Section 304F(1)(b), after ‘offence’—

insert—

for an employer

73 Amendment of s 304G (Application to cancel negative notice)

(1) Section 304G, ‘relevant’—

omit.

(2) Section 304G(2)(a)—

omit, insert—

- (a) the application is made more than 3 years after the notice was issued; or

(3) Section 304G—

insert—

(3) Subsection (4) applies if the person—

- (a) applied to the chief executive to cancel the negative notice and that application has been refused; and
- (b) applied under part 7, division 3 for review of that decision and QCAT confirmed the decision.

- (4) Despite subsection (2)(a), the person may only apply to the chief executive to cancel the negative notice if the application is made more than 3 years after the date QCAT confirmed the decision.

74 Insertion of new ss 304HA and 304HB

After section 304H—

insert—

304HA Chief executive may request further information

- (1) The chief executive may give a person who applies to cancel a negative notice a notice asking the person to give the chief executive, within a reasonable stated time—
 - (a) stated information that the chief executive reasonably needs to establish the person's identity; or
 - (b) stated information, including by way of a submission, about a stated matter that the

chief executive reasonably believes is relevant to the application.

- (2) The notice must state that, if the person does not comply with the request within the stated time, the person's application will be withdrawn.

304HB Withdrawal by chief executive—failure to comply with particular requests

The chief executive must withdraw an application if—

- (a) the chief executive gives a person a notice under section 304HA asking the person to provide stated information; and
- (b) the notice includes a statement that, if the person does not comply with the request, the application will be withdrawn; and
- (c) the person does not comply with the request.

75 Amendment of s 304I (Deciding application)

Section 304I(2)(a)—

omit, insert—

- (a) the application has been refused and the person's negative notice continues in effect subject to section 240; and

76 Amendment of s 304K (No longer relevant disqualified person)

Section 304K, 'relevant'—

omit.

77 Amendment of s 304N (Action after making decision)

- (1) Section 304N(1), 'must cancel the notice'—

omit, insert—

must—

- (a) cancel the negative notice; and
- (b) give the person a notice about the cancellation.

(2) Section 304N(3)(a)—

omit, insert—

- (a) the application has been refused and the person's negative notice continues in effect subject to section 240; and

78 Amendment of s 307 (Appeal against police commissioner's decision that information is investigative information)

(1) Section 307(1)(c)—

omit, insert—

- (c) after the investigative information is given to the chief executive, the person is issued a negative notice, whether or not the negative notice was issued because a working with children authority held by the person was cancelled.

(2) Section 307(3), 'or refusal of the eligibility application'—

omit.

79 Amendment of s 309 (Consequence of decision on appeal)

Section 309(2)—

omit, insert—

- (2) If the court sets aside the decision appealed against, the person may apply under section 304G for the negative notice, issued because of the

information, to be cancelled on the grounds the decision to issue the notice was based on wrong information.

80 Amendment of s 310 (Application of division)

(1) Section 310(d), ‘section 300’—

omit, insert—

section 300A

(2) Section 310(f) and (g)—

omit.

81 Amendment of s 312 (Police commissioner to comply with request)

(1) Section 312(2)—

omit.

(2) Section 312(3) and (4)—

renumber as section 312(2) and (3).

82 Amendment of s 313 (Information to be given about relevant disqualified person)

Section 313, ‘relevant’—

omit.

83 Amendment of s 315A (Chief executive’s request for domestic violence information about person)

(1) Section 315A(6)—

omit.

(2) Section 315A(7)—

renumber as section 315A(6).

84 Amendment of s 316 (Use of information given to police commissioner)

Section 316(4), definition *withdrawal*, paragraph (b)—
omit, insert—

- (b) an application to cancel a negative notice.

85 Amendment of s 317 (Notice of change in police information about a person)

- (1) Section 317(1)(c) and (3)(b), ‘relevant’—

omit.

- (2) Section 317(6)—

omit.

- (3) Section 317(7) to (9)—

renumber as section 317(6) to (8).

86 Omission of s 322 (Effect of conviction for serious offence)

Section 322—

omit.

87 Insertion of new ch 8, pt 6, div 5, sdiv 1, hdg

Before section 321—

insert—

Subdivision 1 Police information and serious offences

88 Insertion of new ch 8, pt 6, div 5, sdiv 2, hdg

Before section 326—

insert—

Subdivision 2 Ceasing to be police officer or registered teacher

89 Insertion of new ch 8, pt 6, div 5, sdiv 3

After section 328—

insert—

Subdivision 3 Changes in personal and business information

328A Definition for subdivision

In this subdivision—

relevant person means—

- (a) a person who has made a working with children check application that has not been decided or withdrawn; or
- (b) a person who holds a working with children authority; or
- (c) a person who holds a negative notice and has made an application for the notice to be cancelled that has not been decided or withdrawn.

328B Notification of change in information

- (1) A relevant person must give written notice to the chief executive of any change in the following within 7 days after the change happens—
 - (a) the person's name;
 - (b) business information relating to the person;
 - (c) a disclosable matter in relation to the person.

Maximum penalty—10 penalty units.

- (2) The notice must be given—
 - (a) in the approved form; and
 - (b) in an approved way.
- (3) For subsection (1)(a), a change in the person's name includes the following—
 - (a) the person changes the person's name from the name the person has given to the chief executive;
 - (b) the person starts to use a different name to the name the person has given to the chief executive.
- (4) For subsection (1)(b), a change of business information in relation to the person includes the following—
 - (a) the person stops carrying on a business previously advised to the chief executive;
 - (b) the person no longer intends to carry on a business previously advised to the chief executive;
 - (c) the person starts carrying on a regulated business that has not previously been advised to the chief executive.

328C Change of contact details

- (1) A relevant person must give notice to the chief executive of a change in contact details within 7 days after the change happens.

Maximum penalty—10 penalty units.

- (2) For subsection (1), a change of contact details includes a change in the contact details from the contact details the person has given to the chief executive.

(3) The notice may be given orally or in writing.

90 Amendment of s 329 (Application of div 6)

(1) Section 329, heading, ‘div 6’—

omit, insert—

division

(2) Section 329(1)—

omit, insert—

(1) This division applies if—

(a) the chief executive is deciding whether a person who has been charged with, or convicted of, any of the following poses a risk to the safety of children—

(i) a serious offence or a disqualifying offence;

(ii) an offence, other than a serious offence or a disqualifying offence, relating to or involving a child; and

(b) the chief executive reasonably believes it is necessary to consider a report about the person’s mental health prepared under this division for deciding whether the person poses a risk to the safety of children.

91 Amendment of s 330 (Chief executive may request person to undergo examination by registered health practitioner etc.)

(1) Section 330(2)(e)—

omit, insert—

(e) that the chief executive may consider a report about the person’s mental health prepared under this division in deciding

whether the person poses a risk to the safety of children;

- (2) Section 330(2)(f) and (g)(i), ‘or eligibility application’—
omit.
- (3) Section 330(2)(g)(ii) and (3), ‘or not there is an exceptional case for the person’—
omit, insert—
the person poses a risk to the safety of children
- (4) Section 330(3), note, ‘and eligibility applications’—
omit.

92 Amendment of s 332 (Registered health practitioner obtaining information from Mental Health Court)

- (1) Section 332(1)(a)—
omit, insert—
 - (a) a person (the *charged person*) has been charged with, but not convicted of—
 - (i) a serious offence or a disqualifying offence; or
 - (ii) an offence, other than a serious offence or a disqualifying offence, relating to or involving a child; and
- (2) Section 332(3)(b), ‘or eligibility application’—
omit.

93 Amendment of s 333 (Registered health practitioner obtaining information from Mental Health Review Tribunal)

- (1) Section 333(1)(a)—
omit, insert—

- (a) a person (the *charged person*) has been charged with, but not convicted of—
 - (i) a serious offence or a disqualifying offence; or
 - (ii) an offence, other than a serious offence or a disqualifying offence, relating to or involving a child; and
- (2) Section 333(3)(b), ‘or eligibility application’—
omit.

94 Amendment of s 337 (Chief executive may obtain particular information from Mental Health Court)

- (1) Section 337(1)(a)—
omit, insert—
 - (a) the chief executive is deciding whether a person (the *charged person*) who has been charged with, but not convicted of, 1 of the following poses a risk to the safety of children—
 - (i) a serious offence;
 - (ii) a disqualifying offence;
 - (iii) an offence, other than a serious offence or a disqualifying offence, relating to or involving a child; and
- (2) Section 337(3) and (4)(e), ‘or not there is an exceptional case for the charged person’—
omit, insert—
the charged person poses a risk to the safety of children

95 Amendment of s 338 (Chief executive may obtain particular information from Mental Health Review Tribunal)

(1) Section 338(1)(a)—

omit, insert—

(a) the chief executive is deciding whether a person (the ***charged person***) who has been charged with, but not convicted of, 1 of the following poses a risk to the safety of children—

(i) a serious offence;

(ii) a disqualifying offence;

(iii) an offence, other than a serious offence or a disqualifying offence, relating to or involving a child; and

(2) Section 338(3) and (4)(e), ‘or not there is an exceptional case for the charged person’—

omit, insert—

the charged person poses a risk to the safety of children

96 Replacement of s 343 (Chief executive must give information about particular persons to college of teachers)

Section 343—

omit, insert—

343 Giving information about particular persons to college of teachers

(1) This section applies in relation to information about a person—

(a) the chief executive is given or is given access to; or

- (b) in the chief executive's possession in relation to an employment-screening decision about the person.
- (2) The chief executive may give the information about the person to the college of teachers if the chief executive reasonably believes the information is relevant to the functions of the college under the *Education (Queensland College of Teachers) Act 2005*, chapter 10, part 1.
- (3) Without limiting subsection (2), the information that may be given includes the following—
 - (a) information about a working with children check application made by the person;
 - (b) information about a working with children authority or negative notice held by the person;
 - (c) police information, domestic violence information, disciplinary information or adverse interstate WWC information about the person.

97 Amendment of s 344 (Giving information to chief executive (disability services))

Section 344, '(disability services)'—

omit, insert—

(disability worker screening)

98 Insertion of new ch 8, pt 6, div 8A

Chapter 8, part 6—

insert—

**Division 8A Sharing information with
prescribed entity**

344AAA Definition for division

In this division—

prescribed entity means an entity that—

- (a) is prescribed by regulation for this division;
and
- (b) has entered into an arrangement with the chief executive to give the chief executive information under section 344AAB.

344AAB Arrangements with particular entities about asking for and giving information

- (1) The chief executive may enter into a written arrangement with an entity prescribed by regulation for this division about—
 - (a) asking for information under section 344AAC; or
 - (b) giving information under section 344AAD.
- (2) Without limiting subsection (1), the arrangement may provide—
 - (a) for information to be asked for or given electronically, including on a daily basis; or
 - (b) for information to be given by way of providing electronic access to the information.
- (3) If the arrangement provides for information to be given or accessed electronically and, under this Act or another law, there is a limitation on who may be given, or given access to, the information or the purposes for which the information may be used, the arrangement must provide for the limitation.

344AAC Request for information about relevant person from prescribed entities

- (1) This section applies if the chief executive reasonably believes a prescribed entity has information relevant to whether a person poses a risk to the safety of children.
- (2) The chief executive may, by notice, ask the prescribed entity for the information.
- (3) The prescribed entity may give the information about the person to the chief executive if the prescribed entity reasonably believes the information may help the chief executive to perform the chief executive's main functions under section 8.
- (4) This section applies subject to the *Child Protection Act 1999*, chapter 6, part 6, division 2, subdivision 1.

344AAD Giving information about relevant person from prescribed entities

- (1) This section applies if a prescribed entity reasonably believes the prescribed entity has information relevant to whether a person poses a risk to the safety of children.
- (2) The prescribed entity may give the information about the person to the chief executive if the prescribed entity reasonably believes the information may help the chief executive to perform the chief executive's main functions under section 8.
- (3) This section applies subject to the *Child Protection Act 1999*, chapter 6, part 6, division 2, subdivision 1.

99 Amendment of s 344AA (Chief executive to give notice to notifiable persons etc. about a change in police information)

- (1) Section 344AA(2)(b), ‘relevant disqualified person’—
omit, insert—
disqualified person
- (2) Section 344AA(3)(c), ‘or part 5, division 8’—
omit.
- (3) Section 344AA(3)(g) and (5), ‘unless and until a prescribed event under section 322 happens for the person’—
omit.

100 Amendment of s 344A (Chief executive may give authorised entities particular information)

Section 344A(1)—

insert—

- (e) another person the chief executive accepts is authorised by the department to assist the chief executive in performing the chief executive’s main functions under section 8(a).

101 Amendment of s 345C (Giving information to interstate screening units)

Section 345C(3)—

omit, insert—

- (3) The chief executive must not give to an interstate screening unit—
- (a) a section 93A transcript; or
- (b) a recorded statement.
- (4) However, the chief executive may give to an

interstate screening unit a written summary of a section 93A transcript or recorded statement, subject to subsection (2).

102 Amendment of s 348 (Replacement card for change of name or contact details)

(1) Section 348(1) and (2)—

omit, insert—

(1) This section applies to a person who—

(a) holds a working with children authority; and

(b) notifies the chief executive of—

(i) a change in the person's name under section 328B; or

(ii) a change in the person's contact details under section 328C.

(2) Section 348(3) and (4)—

renumber as section 348(2) and (3).

103 Omission of s 349 (Holder must notify change of regulated employment or regulated business)

Section 349—

omit.

104 Amendment of s 351 (False or misleading disclosure)

Section 351, 'or this chapter'—

omit, insert—

, this chapter or chapter 10, part 1A

105 Amendment of s 352 (False or misleading documents)

Section 352(1), 'or this chapter'—

omit, insert—

, this chapter or chapter 10, part 1A

106 Replacement of s 353 (Definitions for div 3)

Section 353—

omit, insert—

353 Definitions for division

In this division—

chapter 8 reviewable decision, about a person, means—

- (a) a decision of the chief executive to—
 - (i) issue the person a negative notice; or
 - (ii) refuse to cancel a negative notice issued to the person; or
- (b) a decision of the chief executive if—
 - (i) the person's working with children authority was suspended under section 296; and
 - (ii) the person has applied under section 300A for the chief executive to end the suspension of the person's working with children authority and the chief executive has decided to continue the suspension under section 300(1)(c); and
 - (iii) the person claims the person is not the person the subject of the offence, action or other information that has triggered the suspension.

prescribed period, for a review of a chapter 8 reviewable decision about a person, means the period ending 28 days after the person is given notice of—

- (a) for a chapter 8 reviewable decision mentioned in definition *chapter 8 reviewable decision*, paragraph (a)—the decision; or
- (b) for a chapter 8 reviewable decision mentioned in definition *chapter 8 reviewable decision*, paragraph (b)—the decision on the application under section 300A about the suspension.

107 Amendment of s 354 (Person may apply for review of chapter 8 reviewable decision)

- (1) Section 354—

insert—

(1A) Despite subsection (1), a person who is a disqualified person may apply for a review of a chapter 8 reviewable decision of the chief executive to issue a negative notice if the person claims not to be the person the subject of the offence, action or other information that made the person a disqualified person.

- (2) Section 354(3), note—

omit.

- (3) Section 354(1A) to (4)—

renumber as section 354(2) to (5).

108 Amendment of s 354A (Stay of operation of particular decisions on application for review)

- (1) Section 354A(1), ‘an exceptional case decision’—

omit, insert—

a decision of the chief executive

- (2) Section 354A(4)—

omit.

109 Insertion of new s 354B

After section 354A—

insert—

354B Chief executive to give effect to decisions of QCAT

- (1) This section applies if, on an application for a review of a chapter 8 reviewable decision under section 354, QCAT decides that a person must be issued a working with children authority.
- (2) The chief executive may do any of the things necessary and otherwise permitted or required under this Act to give effect to the decision.

Example for subsection (2)—

- 1 The chief executive may request information that the chief executive reasonably needs to establish the applicant's identity.
- 2 The chief executive may undertake a check for a change in a person's criminal history.

110 Amendment of s 357 (Disqualification order)

Section 357(1)—

omit, insert—

- (1) This section applies if a person is convicted of a serious offence committed in relation to, or otherwise involving, a child.

111 Insertion of new ch 10, pts 1 and 1A

Chapter 10—

insert—

Part 1

Requirement to keep register about persons employed in regulated employment

369 Employer must keep register

- (1) This section applies to a person (the *employer*) who employs another person (an *employee*) in regulated employment.
- (2) The employer must keep a register that complies with subsection (3) about the employer's employees.

Maximum penalty—50 penalty units.

- (3) The register must include—
 - (a) the name and date of birth of each employee who has made a working with children check application; and
 - (b) for each employee who holds a working with children authority—
 - (i) the name and date of birth of the employee; and
 - (ii) the day the term of the employee's authority ends; and
 - (iii) any reference number or other identifying number given by the chief executive for the employee's authority; and
 - (c) for each employee who is employed in restricted employment—
 - (i) the name and date of birth of the employee; and

- (ii) whether the employer considers the employee is a restricted person; and
- (d) the name and date of birth of each employee who is not required to apply for a working with children authority.

Part 1A Powers to audit and monitor for compliance

370 Purpose of part

The purpose of this part is to set out the powers the chief executive may use when performing the function of auditing or monitoring compliance under section 8(b).

370A Application of part

- (1) This part applies in relation to the following persons or entities—
 - (a) a person in regulated employment;
 - (b) a person or entity who employs another person in regulated employment;
 - (c) a regulated business;
 - (d) a person performing a child-related duty in a public sector entity;
 - (e) any other person the chief executive reasonably considers may hold information relevant to the chief executive’s main functions under section 8.
- (2) In this section—
child-related duty see the *Public Sector Act 2022*, section 57.

370B Obtaining information from persons

- (1) The chief executive may, by written notice, ask a person for information that the chief executive reasonably believes is necessary for the chief executive to perform the function under section 8(b) of auditing or monitoring compliance with this Act.
- (2) The chief executive may state the way the person must give the information to the chief executive, including that the information be given—
 - (a) in a statement setting out the information related to the matters being audited or monitored; or
 - (b) as documents related to the matters being audited or monitored.
- (3) The person must comply with the request on or before the day stated in the notice unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

370C Dealing with information obtained under part

- (1) The chief executive may do the following with documents obtained under this part—
 - (a) keep the documents for the period necessary for the chief executive to perform the function under section 8(b) of auditing or monitoring compliance with this Act;
 - (b) make copies of, or take extracts from, the documents.
- (2) If the chief executive has possession of the documents, the chief executive must permit a person, who would be entitled to inspect the documents if the chief executive did not have possession, to inspect the documents at all reasonable times.

112 Amendment of s 384 (Confidentiality of protected information)

(1) Section 384(1)(a)—

omit, insert—

(a) is or has been—

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

(ii) a member of an advisory committee; or

(iii) an expert advisor; and

(2) Section 384(1)(b)(vi), ‘(disability services)’—

omit, insert—

(disability worker screening)

(3) Section 384(4)—

insert—

(da) is for research purposes under section 398B;
or

(4) Section 384(4)(da) and (e)—

renumber as section 384(e) and (f).

113 Amendment of s 385 (Confidentiality of other information)

Section 385(1)(a)—

omit, insert—

(a) is or has been—

(i) the Minister or a member of the Minister’s staff; or

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

(iii) a member of an advisory committee; or

(iv) an expert advisor; and

114 Amendment of s 393 (Protection from liability)

Section 393(3), definition *official*, paragraph (b)—
omit, insert—

- (b) a member of an advisory committee; or
- (c) an expert advisor.

115 Insertion of new s 396

After section 395—
insert—

396 Duty of police commissioner to comply with request for information

- (1) The section applies if a provision of this Act imposes a duty on the police commissioner to comply with a request for information.
- (2) The duty applies only to information in the commissioner's possession or to which the commissioner has access.

116 Amendment of s 398A (Chief executive may arrange for use of information system)

Section 398A(1)(b)(i) and (ii)—
omit, insert—

- (i) a decision about whether the person poses a risk to the safety of children; or
- (ii) a decision about whether to issue a working with children authority; or
- (iii) another decision prescribed by regulation.

117 Insertion of new s 398B

After section 398A—

insert—

398B Access and use of information for research purposes

- (1) The chief executive may give access to de-identified data collected under this Act about working with children checks, working with children authorities and negative notices if—
 - (a) the chief executive is satisfied that a person or public sector entity given access to the data—
 - (i) is conducting research that is consistent with the objects of this Act or a function of the chief executive under this Act (*approved research*); and
 - (ii) has appropriate qualifications or experience to carry out the approved research; and
 - (b) in the chief executive’s opinion, the data is reasonably necessary for the approved research.
- (2) The chief executive may impose conditions on the use of the data.
- (3) A person must comply with a condition imposed by the chief executive, unless the person has a reasonable excuse.
Maximum penalty—100 penalty units.
- (4) The chief executive may publish guidelines about the matters mentioned in subsection (1).

118 Amendment of s 401 (Regulation-making power)

Section 401(2)(a), ‘arrangements between the chief executive and the chief executive (disability services)’—

omit, insert—

procedures, processes and systems

119 Omission of ch 11, pts 1–12, 14 and 15

Chapter 11, parts 1 to 12, 14 and 15—
omit.

120 Insertion of new ch 11, pt 22

Chapter 11—
insert—

**Part 22 Transitional provisions
for Working with
Children (Risk
Management and
Screening) and Other
Legislation
Amendment Act 2024**

Division 1 Preliminary

602 Definitions for part

In this part—

amended Act means this Act as in force from the commencement.

amendment Act means the *Working with Children (Risk Management and Screening) and Other Legislation Amendment Act 2024*.

former, for a provision of this Act, see section 603(1).

new, for a provision of this Act, see section 603(2).

603 References to *former* or *new* provisions

- (1) A reference in a provision of this part (the *transitional provision*) to a *former* provision of this Act is a reference to the provision as in force from time to time before the commencement of the transitional provision.
- (2) A reference in a provision of this part (the *transitional provision*) to a *new* provision of this Act is a reference to the provision as in force from the commencement of the transitional provision.

Division 2 Existing working with children authorities and negative notices continued

604 Existing working with children authorities and negative notices

- (1) This section applies to the following authorities and notices in effect immediately before the commencement—
 - (a) a working with children clearance issued under former section 220(2);
 - (b) a working with children exemption issued under former section 282(2);
 - (c) a negative notice issued under former section 220(3) or 282(3).
- (2) The authority or notice—
 - (a) continues in effect; and
 - (b) is taken to have been issued under the corresponding new provision for the former provision; and
 - (c) despite paragraph (b), is taken to be for the same term that applied to the authority or

notice immediately before the commencement.

- (3) In this section—
- corresponding new provision*, for a former provision, means—
- (a) for former section 220(2)—new section 226(2)(a); or
 - (b) for former section 282(2)—new section 226(2)(b); or
 - (c) for former section 220(3) or 282(3)—new section 226(3).

Division 3 Existing eligibility applications and declarations

605 Existing eligibility application for person who is no longer disqualified person

- (1) This section applies if—
 - (a) a person made an application for an eligibility declaration under former section 178; and
 - (b) immediately before the commencement the application had not been decided, withdrawn, or taken to have been withdrawn; and
 - (c) from the commencement the person is no longer a disqualified person.
- (2) The application is taken to be a working with children check application and for that purpose new chapter 8, part 4, division 9 applies.
- (3) Subject to subsection (4), anything done in

relation to the application under former chapter 8, part 1, former chapter 8, part 4, division 9 or former chapter 8, part 5, division 8 is taken to have been done in relation to the application under new chapter 8, part 4, division 9.

- (4) If the chief executive invited submissions from a person under former section 229 and the person made submissions to the chief executive, whether before or after the commencement, the chief executive may either—
 - (a) give the person a written notice under new section 235 and consider any submissions made by the person under that section; or
 - (b) issue a working with children authority.

606 Existing eligibility application for person who is disqualified person after commencement

- (1) This section applies if—
 - (a) a person made an application for an eligibility declaration under former section 178; and
 - (b) immediately before the commencement the application had not been decided, withdrawn, or taken to have been withdrawn; and
 - (c) from the commencement, the person is a disqualified person.
- (2) The application is taken to be withdrawn.
- (3) The chief executive must give a written notice to the person stating that—
 - (a) the application is withdrawn; and
 - (b) the reason for the withdrawal.

607 Existing eligibility declaration

- (1) This section applies to a person—
 - (a) issued an eligibility declaration that is in effect immediately before the commencement; or
 - (b) taken to have been issued an eligibility declaration under former section 181 or 456(2)(a) that is in effect immediately before the commencement.
- (2) The eligibility declaration ends on the commencement.
- (3) The disqualifying offence the person was convicted of, that was considered by the chief executive as part of the application for an eligibility declaration (the ***applicable disqualifying offence***), is taken to be a serious offence for—
 - (a) a working with children check application made after the commencement; or
 - (b) a decision made after the commencement under chapter 8, part 5A about the suspension or cancellation of an authority.
- (4) Despite subsection (3), an offence is not a serious offence if the offence was committed, or is alleged to have been committed, by a person when the person was a child.
- (5) However, if the conduct constituting or alleged to constitute an offence occurs between 2 dates, the first on which the person was a child and the second on which the person was an adult, the conduct is taken to occur when the person was an adult.
- (6) The person is taken to no longer be a disqualified person in relation to the applicable disqualifying offence.

Division 4 Change to period for application to issue negative notice

608 Application to cancel negative notice made by disqualified person

- (1) This section applies if—
 - (a) before the commencement of new section 304G, a person made an application to cancel a negative notice; and
 - (b) from the commencement, the person is a disqualified person.
- (2) The application is taken to be withdrawn.
- (3) The chief executive must give a written notice to the person stating that—
 - (a) the application is withdrawn; and
 - (b) the reason for the withdrawal.

609 Application to cancel negative notice not decided

- (1) This section applies if—
 - (a) before the commencement of new section 304G, an application to cancel a negative notice had been made but not decided or withdrawn; and
 - (b) the application was made more than 2 years after the negative notice was issued; and
 - (c) the person who made the application is not a disqualified person.

Note—

See section 608 in relation to an application to cancel a negative notice made by a disqualified person.

- (2) The application to cancel the person's negative notice may be decided under new chapter 8, part 4, division 9.
- (3) Subject to subsection (4), anything done in relation to the application under former chapter 8, part 4, division 9 or former chapter 8, part 5, division 8 is taken to have been done in relation to the application under new chapter 8, part 4, division 9.
- (4) If the chief executive invited submissions from a person under former section 229 and the person made submissions to the chief executive, whether before or after the commencement, the chief executive may either—
 - (a) give the person a written notice under new section 235 and consider any submissions made by the person under that section; or
 - (b) issue a working with children authority.

610 Existing holders of negative notices

- (1) This section applies if—
 - (a) a person holds a negative notice; and
 - (b) the negative notice was issued before the commencement.
- (2) Despite new section 304G(2)(a), the person may apply to cancel the negative notice under new section 304G if the application is made more than 2 years after the notice was issued.

Division 5 Regulated employment and regulated businesses

611 Definition for division

In this division—

amusement park includes a park that is permanent or temporary but does not include an amusement arcade.

612 New regulated employment—legal support

- (1) This section applies if, immediately before the commencement—
 - (a) a person was employed in employment, or was continuing in employment, mentioned in new schedule 1, section 6(1)(d); and
 - (b) under former schedule 1, section 28A, chapter 7 of this Act did not apply to the employment of the person; and
 - (c) the person does not hold a current working with children authority.
- (2) Sections 175, 176A, 176C and 176E do not apply in relation to the employment until—
 - (a) 12 months after the commencement; or
 - (b) if the person makes a working with children check application within the period mentioned in paragraph (a)—the application is decided or withdrawn.

613 New regulated employment—child accommodation services for overnight camps

- (1) This section applies if, immediately before the commencement—

- (a) a person was employed in employment, or was continuing in employment, mentioned in new schedule 1, section 9(1)(b); and
 - (b) the person does not hold a current working with children authority.
- (2) Sections 175, 176A, 176C and 176E do not apply in relation to the employment until—
- (a) 6 months after the commencement; or
 - (b) if the person makes a working with children check application within the period mentioned in paragraph (a)—the application is decided or withdrawn.

614 New regulated employment—gyms and play facilities

- (1) This section applies if, immediately before the commencement—
- (a) a person was employed in employment, or continuing in employment, mentioned in new schedule 1, section 11(1)(b); and
 - (b) the person does not hold a current working with children authority.
- (2) Sections 175, 176A, 176C and 176E do not apply in relation to the employment until—
- (a) 6 months after the commencement; or
 - (b) if the person makes a working with children check application within the period mentioned in paragraph (a)—the application is decided or withdrawn.

615 New regulated employment—employment taking place at amusement park

- (1) This section applies if, immediately before the

commencement—

- (a) a person was employed in employment, or was continuing in employment, mentioned in new schedule 1, section 11(1) or 11A; and
 - (b) the employment took place at an amusement park; and
 - (c) the person does not hold a current working with children authority.
- (2) Sections 175, 176A, 176C and 176E do not apply in relation to the employment until—
- (a) 12 months after the commencement; or
 - (b) if the person makes a working with children check application within the period mentioned in paragraph (a)—the application is decided or withdrawn.

616 New regulated employment—entertainment, beauty and photography

- (1) This section applies if, immediately before the commencement—
- (a) a person was employed in employment, or was continuing in employment, mentioned in new schedule 1, section 11A; and
 - (b) the employee does not hold a current working with children authority.
- (2) Sections 175, 176A, 176C and 176E do not apply in relation to the employment until—
- (a) 6 months after the commencement; or
 - (b) if the person makes a working with children check application within the period mentioned in paragraph (a)—the application is decided or withdrawn.

617 New regulated businesses—legal support services

- (1) This section applies if, immediately before the commencement—
 - (a) a person was carrying on a business mentioned in new schedule 1, section 16(1); and
 - (b) the person is an Australian lawyer who may engage in legal practice in this State under the *Legal Profession Act 2007*; and
 - (c) the person does not hold a working with children authority.
- (2) Sections 176B and 176G do not apply in relation to the person carrying on the business until—
 - (a) 12 months after the commencement; or
 - (b) if the person makes a working with children check application within the period mentioned in paragraph (a)—the application is decided or withdrawn.

618 New regulated businesses—educational services and activities conducted inside school

- (1) This section applies if, immediately before the commencement—
 - (a) a person was carrying on a business mentioned in new schedule 1, section 18C; and
 - (b) the person does not hold a working with children authority.
- (2) Sections 176B and 176G do not apply in relation to the person carrying on the business until—
 - (a) 6 months after the commencement; or

- (b) if the person makes a working with children check application within the period mentioned in paragraph (a)—the application is decided or withdrawn.

619 New regulated businesses—child accommodation services for overnight camps

- (1) This section applies if, immediately before the commencement—
 - (a) a person was carrying on a business mentioned in new schedule 1, section 21(1)(b); and
 - (b) the person does not hold a working with children authority.
- (2) Sections 176B and 176G do not apply in relation to the person carrying on the business until—
 - (a) 6 months after the commencement; or
 - (b) if the person makes a working with children check application within the period mentioned in paragraph (a)—the application is decided or withdrawn.

620 New regulated businesses—gyms and play facilities

- (1) This section applies if, immediately before the commencement—
 - (a) a person carrying on a business mentioned in new schedule 1, section 22(1)(b); and
 - (b) the person does not hold a current working with children authority.
- (2) Sections 176B and 176G do not apply in relation to the person carrying on the business until—
 - (a) 6 months after the commencement; or

- (b) if the person makes a working with children check application within the period mentioned in paragraph (a)—the application is decided or withdrawn.

621 New regulated businesses—business taking place at amusement park

- (1) This section applies if, immediately before the commencement—
 - (a) a person was carrying on a business mentioned in new schedule 1, section 22(1) or 22A(1); and
 - (b) the business took place at an amusement park; and
 - (c) the person does not hold a working with children authority.
- (2) Sections 176B and 176G do not apply in relation to the person carrying on the business until—
 - (a) 12 months after the commencement; or
 - (b) if the person makes a working with children check application within the period mentioned in paragraph (a)—the application is decided or withdrawn.

622 New regulated businesses—entertainment, beauty and photography services

- (1) This section applies if, immediately before the commencement—
 - (a) a person was carrying on a business mentioned in new schedule 1, section 22A(1); and
 - (b) the person does not hold a working with children authority.

- (2) Sections 176B and 176G do not apply in relation to the person carrying on the business until—
 - (a) 6 months after the commencement; or
 - (b) if the person makes a working with children check application within the period mentioned in paragraph (a)—the application is decided or withdrawn.

623 Proceedings for offences against ss 176I and 176J for particular types of restricted employment

- (1) This section applies in relation to an offence against section 176I or 176J if—
 - (a) the offence was committed by a person before, or both before and after, the commencement; and
 - (b) under former schedule 1, section 3(2)(b), 4(4), 4A(2), 5(2) or 11(2)(b), the restricted employment referred to in section 176I or 176J was not regulated employment.
- (2) Without limiting the *Acts Interpretation Act 1954*, section 20, a proceeding for the offence may be continued or started, and the person may be convicted of and punished for the offence, in accordance with this Act, as in force from time to time before the commencement.
- (3) Subsection (2) applies despite the Criminal Code, section 11.

Division 6 Reviews and appeals

624 Appeals not started on commencement

- (1) This section applies if—

- (a) before the commencement, the chief executive or another person had a right to an appeal, under the QCAT Act, against a decision of QCAT relating to a chapter 8 reviewable decision; and
 - (b) on the commencement—
 - (i) an appeal had not been commenced; and
 - (ii) the time for starting the appeal had not ended.
- (2) If the chief executive or another person appeals the decision of QCAT, the entity hearing the appeal must hear and decide the appeal as if the amendment Act had not been enacted, in relation to the subject matter of the appeal.

625 Undecided reviews and appeals relating to negative notices

- (1) This section applies if, before the commencement—
- (a) the chief executive made a chapter 8 reviewable decision about a person as to whether there is an exceptional case for the person; and
 - (b) because of the decision, the chief executive—
 - (i) issued the person a negative notice; or
 - (ii) refused to cancel a negative notice issued to the person; and
 - (c) an application was made by a person under former section 354 for review of the decision; and

- (d) the application or appeal, and any proceeding in relation to the application or appeal, had not been decided or withdrawn.
- (2) The tribunal or court hearing the application or appeal must continue to hear and decide the appeal as if the amendment Act had not been enacted.

626 Application to chief executive for fresh decision about exceptional case

- (1) This section applies if—
 - (a) before the commencement—
 - (i) the chief executive made a chapter 8 reviewable decision about whether there is an exceptional case for a person (an *exceptional case decision*); and
 - (ii) because of the exceptional case decision the chief executive—
 - (A) issued the person a negative notice; or
 - (B) refused to cancel a negative notice issued to the person; and
 - (iii) the person had not applied for a review of the exceptional case decision under former section 354; and
 - (b) on the commencement, the time for starting a review of the exceptional case decision had not ended.
- (2) The person may apply to the chief executive for the exceptional case decision to be redetermined as if the application were a fresh application.
- (3) An application under subsection (2) must be made within 2 months after the commencement.

- (4) Also, the chief executive may redetermine the exceptional case decision on the chief executive's own initiative.
- (5) A decision of the chief executive under this section must be made under the amended Act.
- (6) If the person applies to QCAT for a review of the exceptional case decision QCAT must refuse the application.

Division 7 Other provisions relating to working with children framework

627 Disqualifying offences and serious offences committed before the commencement

- (1) New section 15 applies in relation to an offence committed, or alleged to have been committed, before or after the commencement.
- (2) New section 16 applies in relation to an offence committed, or alleged to have been committed, before or after the commencement.

628 Disclosable matters occurring before the commencement

A matter is a disclosable matter under section 186 regardless of whether the matter happened before or after the commencement.

629 Proceedings for offences against former ss 176K and 176L

- (1) This section applies in relation to an offence against former section 176K or 176L committed by a person before the commencement.

- (2) Without limiting the *Acts Interpretation Act 1954*, section 20, a proceeding for the offence may be continued, and the person may be convicted of and punished for the offence, as if the amendment Act had not been enacted.
- (3) Subsection (2) applies despite the Criminal Code, section 11.

630 Existing applications

- (1) This section applies if, immediately before the commencement, a working with children check application had not been decided or withdrawn.
- (2) The application must be decided under new chapter 8, part 4, division 9.
- (3) Subject to subsection (4), anything done in relation to the application under former chapter 8, part 4, division 9 or former chapter 8, part 5, division 8 is taken to have been done in relation to the application under new chapter 8, part 4, division 9.
- (4) If the chief executive invited submissions from a person under former section 229 and the person made submissions to the chief executive, whether before or after the commencement, the chief executive may either—
 - (a) give the person a written notice under new section 235 and consider any submissions made by the person under that section; or
 - (b) issue a working with children authority.
- (5) If the chief executive gave the applicant a notice mentioned in former section 198(a) and on the commencement the time for complying with the notice has not ended, former section 198 continues to apply to the person and the chief executive as if the amendment Act had not been

enacted.

631 Information relevant to whether to suspend authority about event or change before commencement

- (1) This section applies if the chief executive becomes aware of information about a person that—
 - (a) is information mentioned in new section 295(2)(a); and
 - (b) relates to an event or change that occurred before the commencement.
- (2) The chief executive may use the information for the purposes of deciding whether to suspend the person's working with children authority under new chapter 8, part 5A, division 2.
- (3) For subsection (1), it does not matter whether the chief executive became aware of the information before or after the commencement.

632 Application to cancel suspended authority

- (1) This section applies if—
 - (a) before the commencement—
 - (i) a person was given a suspension notice under section 296(1); and
 - (ii) the person made an application under former section 300(1)(b); and
 - (b) on the commencement the application had not been decided or withdrawn.
- (2) The application is taken to be an application under new section 300A and must be decided under new section 300.
- (3) Subject to subsection (4), anything done in

relation to the application under the former part 5A, division 2, former part 4, division 9 or former part 5, division 8 is taken to have been done in relation to the application under new part 5A, division 2 or new part 4, division 9.

- (4) If the chief executive invited submissions from a person under former section 229 and the person made submissions to the chief executive, whether before or after the commencement, the chief executive may either—
 - (a) give the person a written notice under new section 235 and consider any submissions made by the person under that section; or
 - (b) issue a working with children authority.

633 Application made after commencement to end suspended authority

- (1) This section applies if, before the commencement—
 - (a) a person was given a suspension notice under section 296(1); and
 - (b) the person had not made an application under former section 300(1)(b).
- (2) If the person makes an application under new section 300A to end the suspension of the person's authority, the period from the notice being given under section 296(1) to the commencement is taken to form part of the 6 month period referred to in section 300A(1).

634 Proposed decision under ch 8, pt 5A

- (1) This section applies if the chief executive, before the commencement—

- (a) was proposing to make a decision mentioned in section 294(1) in relation to a person; and
 - (b) had not made the decision.
- (2) The amended Act applies for making the decision.
 - (3) Subject to subsection (4), anything done in relation to the application under former chapter 8 is taken to have been done in relation to the application under new chapter 8.
 - (4) If the chief executive invited submissions from a person under former section 229 and the person made submissions to the chief executive, whether before or after the commencement, the chief executive may either—
 - (a) give the person a written notice under new section 235 and consider any submissions made by the person under that section; or
 - (b) issue a working with children authority.

Division 8 Miscellaneous

635 Transitional regulation-making power

- (1) A regulation (a *transitional regulation*) may make provision about a matter for which—
 - (a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of this Act as in force before its amendment by the amendment Act to the operation the amended Act; and
 - (b) this Act does not provide or sufficiently provide.
- (2) A transitional regulation may have retrospective

operation to a day not earlier than the day this section commences.

- (3) A transitional regulation must declare it is a transitional regulation.
- (4) This section and any transitional regulation expire on the day that is 2 years after the day this section commences.

121 Amendment of sch 1, s 1 (Residential facilities)

Schedule 1, section 1(2)—

omit.

122 Replacement of sch 1, s 3 (Schools—employees other than teachers and parents)

Schedule 1, section 3—

omit, insert—

3 Schools—employees other than teachers

- (1) Employment is regulated employment if any of the usual functions of the employment take place—
 - (a) in an area of a school—
 - (i) in which children are being educated and cared for; or
 - (ii) that is accessible to children; and
 - (b) at a time when children are ordinarily present.
- (2) However, employment mentioned in subsection (1) is not regulated employment if—
 - (a) the employee is an approved teacher; or
 - (b) the employment involves undertaking work—

- (i) that is not directed towards children;
and
 - (ii) the nature of which does not permit or facilitate contact with children, other than incidental contact.
- (3) To the extent of an inconsistency between this section and section 4(1)(b) of this schedule, this section prevails.

123 Amendment of sch 1, s 4 (Education and care services and similar employment)

Schedule 1, section 4(4)—
omit.

124 Amendment of sch 1, s 4A (Child care and similar employment)

Schedule 1, section 4A(2)—
omit.

125 Insertion of new sch 1, s 4B

Schedule 1—
insert—

4B Justice and detention services

Employment is regulated employment if any of the usual functions of the employment—

- (a) are carried out, or are likely to be carried out, at a detention centre established under the *Youth Justice Act 1992*, section 262; or
- (b) include, or are likely to include, supervising and monitoring a child on any of the following orders that may be made or

imposed by a court under the *Youth Justice Act 1992*—

- (i) a community based order;
- (ii) a supervised release order;
- (iii) any other order made or imposed by a court under that Act.

126 Replacement of sch 1, s 5 (Churches, clubs and associations involving children)

Schedule 1, section 5—

omit, insert—

5 Churches, clubs and associations involving children

- (1) Employment is regulated employment if—
 - (a) the usual functions of the employment include, or are likely to include—
 - (i) providing services directed mainly towards children; or
 - (ii) conducting activities mainly involving children; or
 - (iii) engaging in decision-making in relation to children as a member of an executive committee; and
 - (b) the services are provided, the activities are conducted, or the decision-making is engaged in, by or within a church, club, association or similar entity.

Note—

See section 156 of this Act for circumstances in which a parent is not in regulated employment.

- (2) In this section—

executive committee means a group or body of

people, by whatever name called, that manages the affairs of the church, club or association relating to children.

127 Amendment of sch 1, s 6 (Health, counselling and support services)

(1) Schedule 1, section 6(1)(d), example—

omit, insert—

Examples for paragraph (d)—

- a support service providing emotional support for child victims or witnesses in connection with court or other legal proceedings
- a person who is an Australian lawyer providing a support service to a child in connection with court or other legal proceedings

(2) Schedule 1, section 6(3), definition *support service*—

omit, insert—

support service means a service that provides emotional support, legal support, mentoring or pastoral care.

128 Replacement of sch 1, s 9 (Child accommodation services including home stays)

Schedule 1, section 9—

omit, insert—

9 Child accommodation services

(1) Employment is regulated employment if—

- (a) the usual functions of the employment include, or are likely to include, a child accommodation service; or
- (b) the employment includes providing services or conducting activities at an overnight camp or excursion for children.

- (2) If accommodation constituting a child accommodation service is provided, or is to be provided, by a home stay provider, each adult residing in the home stay provider's home, other than the home stay provider, is taken to be a volunteer who is engaged in regulated employment.
- (3) For subsection (1)(b), an overnight camp or excursion is regulated employment regardless of the type of accommodation or how many children are involved.
- (4) However, employment mentioned in subsection (1)(a) or (2) is not regulated employment if the home stay provider is a relative of the child who receives the child accommodation service to which the employment relates.
- (5) Also, employment mentioned in subsection (1)(b) is not regulated employment if—
 - (a) the employee's functions are limited to providing services for the maintenance and repair or ongoing operation of the site at which the service is provided; and
 - (b) the employment involves undertaking work, the nature of which does not permit or facilitate contact with children, other than incidental contact.
- (6) In this section—

home, of a person, includes the person's principal place of residence and any holiday home of the person.

home stay provider means a person who provides an accommodation service in the person's home.

129 Replacement of sch 1, s 11 (Sport and active recreation)

Schedule 1, section 11—

omit, insert—

11 Sport, active recreation, gyms and play facilities

- (1) Employment is regulated employment if—
 - (a) both—
 - (i) the usual functions of the employment include, or are likely to include—
 - (A) providing services directed mainly towards children; or
 - (B) conducting activities mainly involving children; and
 - (ii) the services are provided, or the activities are conducted, as part of sport or active recreation; or
 - (b) the services are provided, or the activities are conducted, in relation to a gym or play facility directed mainly towards children.
- (2) However, employment mentioned in subsection (1) is not regulated employment if—
 - (a) the employee's functions are limited to providing food, beverages or equipment; and
 - (b) there is no further contact with children by the employee.

130 Insertion of new sch 1, s 11A

Schedule 1—

insert—

11A Entertainment, beauty and photography services

- (1) Employment is regulated employment if—

- (a) the usual functions of the employment include, or are likely to include—
 - (i) providing services directed mainly towards children; or
 - (ii) conducting activities mainly involving children; and
 - (b) the services are provided, or the activities are conducted, in relation to 1 of the following—
 - (i) an entertainment or party service;
Examples of providing an entertainment or party service—
 - a person appearing as Santa or another costumed character directed at entertaining children
 - (ii) a beauty or talent program;
 - (iii) a photography service.
- (2) However, employment mentioned in subsection (1)(b)(i) is not regulated employment if—
- (a) the employee’s functions are limited to providing food, beverages or equipment; and
 - (b) there is no further contact with children by the employee.

131 Amendment of sch 1, s 14 (Care of children under Child Protection Act 1999)

- (1) Schedule 1, section 14(1) and (2), after ‘other than’—
insert—
 - an approved kinship carer or
- (2) Schedule 1, section 14—
insert—

(4) In this section—

approved kinship carer see the *Child Protection Act 1999*, schedule 3.

132 Amendment of sch 1, s 16 (Health, counselling and support services)

(1) Schedule 1, section 16(2)—

omit.

(2) Schedule 1, section 16(3), definition *support service*—

omit, insert—

support service means a service that provides emotional support, legal support, mentoring or pastoral care.

(3) Schedule 1, section 16(3)—

renumber as schedule 1, section 16(2).

133 Insertion of new sch 1, ss 18B and 18C

Schedule 1—

insert—

18B Justice and detention services

A business is a regulated business if any of the usual activities of the business—

(a) are carried out, or are likely to be carried out, at a detention centre established under the *Youth Justice Act 1992*, section 262; or

(b) include, or are likely to include, supervising and monitoring a child on any of the following orders that may be made or imposed by a court under the *Youth Justice Act 1992*—

(i) a community based order;

- (ii) a supervised release order;
- (iii) any other order made or imposed by a court under that Act.

18C Educational services and activities conducted inside school

- (1) A business is a regulated business if the usual activities of the business take place—
 - (a) in an area of a school—
 - (i) in which children are being educated and cared for; or
 - (ii) that is accessible to children; and
 - (b) at a time when children are ordinarily present.
- (2) However, a business mentioned in subsection (1) is not a regulated business if the activities of the business—
 - (a) are not directed towards children; and
 - (b) are of a nature that does not permit or facilitate contact with children, other than incidental contact.

134 Replacement of sch 1, ss 21 and 22

Schedule 1, sections 21 and 22—

omit, insert—

21 Child accommodation services

- (1) A business is a regulated business if—
 - (a) the usual activities of the business include, or are likely to include, a child accommodation service and—
 - (i) the person who carries on the business provides the accommodation that

constitutes the child accommodation service in the person's home; or

- (ii) the person who carries on the business provides the child accommodation service under an arrangement organised by a government entity or a local government; or
- (b) the business includes providing an overnight camp or excursion for children.
- (2) For subsection (1)(b), an overnight camp or excursion is a regulated business regardless of the type of accommodation or how many children are involved.
- (3) However, a business mentioned in subsection (1)(b) is not a regulated business if—
 - (a) the activities of the business are limited to providing services for the maintenance and repair or ongoing operation of the site at which the service is provided; and
 - (b) the activities of the business are of a nature that does not permit or facilitate contact with children, other than incidental contact.
- (4) In this section—

home, of a person, includes the person's principal place of residence and any holiday home of the person.

22 Sport, active recreation, gyms and play facilities

- (1) A business is a regulated business if the usual activities of the business include, or are likely to include—
 - (a) sport or active recreation activities directed mainly towards or involving children; or

- (b) carrying on the business of a gym or play facility directed mainly towards children.
- (2) However, a business mentioned in subsection (1) is not a regulated business if—
 - (a) the business is carrying out activities limited to providing food, beverages or equipment; and
 - (b) there is no further contact with children by an employee of the business.

22A Entertainment, beauty and photography services

- (1) A business is a regulated business if—
 - (a) the usual activities include, or are likely to include—
 - (i) providing services directed mainly towards children; or
 - (ii) conducting activities mainly involving children; and
 - (b) the business relates to 1 of the following areas—
 - (i) an entertainment or party service;
Example of a business relating to an entertainment or party service—
a business providing for a person to appear as Santa or another costumed character directed at entertaining children
 - (ii) a beauty or talent program;
 - (iii) a photography service.
- (2) However, a business mentioned in subsection (1)(b)(i) is not a regulated business if—

- (a) the business is carrying out activities limited to providing food, beverages or equipment; and
- (b) there is no further contact with children by an employee of the business.

135 Omission of sch 1, s 28A (Employment of lawyers)

Schedule 1, section 28A—

omit.

136 Replacement of schs 2 and 3

Schedules 2 and 3—

omit, insert—

Schedule 2 Current serious offences

section 15

1 *Classification of Publications Act 1991*

Provision of Act	Relevant heading	Qualification
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15	Exhibition or display of prohibited publication	the offence is not a disqualifying offence
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2 Criminal Code

Provision of Act	Relevant heading	Qualification
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- 210A Sexual acts with a child aged 16 or 17 if the offence is not a disqualifying offence under one's care, supervision or authority
- 215 Engaging in penile intercourse with child under 16 the offence is not a disqualifying offence
- 218 Procuring sexual acts by coercion etc. the offence is not a disqualifying offence
- 221 Conspiracy to defile the offence is not a disqualifying offence
- 222 Incest the offence is not a disqualifying offence
- 229BB Failure to protect child from child sexual offence
- 300 Unlawful homicide the offence is not a disqualifying offence
- 313 Killing unborn child
- 315 Disabling in order to commit indictable offence
- 316 Stupefying in order to commit indictable offence
- 317 Acts intended to cause grievous bodily harm and other malicious acts
- 320A Torture the offence is not a disqualifying offence
- 322 Administering poison with intent to harm only if an offender was or could have been liable for a penalty as mentioned in section 322, penalty, paragraph (a)
- 323A Female genital mutilation

323B	Removal of child from State for female genital mutilation	
324	Failure to supply necessities	
326	Endangering life of children by exposure	
334C	Coercive control	the offence is not a disqualifying offence
352	Sexual assaults	the offence is not a disqualifying offence
354	Kidnapping	the offence is not a disqualifying offence
354A	Kidnapping for ransom	the offence is not a disqualifying offence
363	Child-stealing	the offence is not a disqualifying offence
363A	Abduction of child under 16	the offence is not a disqualifying offence
409	Definition of <i>robbery</i>	only if an offender was or could have been liable as mentioned in section 411(2)
419	Burglary	only if an offender was or could have been liable as mentioned in section 419(3)(b)(i) or (ii)
427	Unlawful entry of vehicle for committing indictable offence	only if an offender was or could have been liable as mentioned in section 427(2)(b)(i) or (ii)

3 Criminal Code (Cwlth)

Provision of Act	Relevant heading	Qualification
270.3	Slavery offences	the offence is not a disqualifying offence

270.5	Servitude offences	the offence is not a disqualifying offence
270.6A	Forced labour offences	the offence is not a disqualifying offence
270.7	Deceptive recruiting for labour or services	the offence is not a disqualifying offence and only if an offender was or could have been liable as mentioned in section 270.8
270.7B	Forced marriage offences	the offence is not a disqualifying offence
270.7C	Offence of debt bondage	the offence is not a disqualifying offence
271.2	Offence of trafficking in persons	the offence is not a disqualifying offence
271.3	Trafficking in persons—aggravated offence	the offence is not a disqualifying offence
271.5	Offence of domestic trafficking in persons	the offence is not a disqualifying offence
271.6	Domestic trafficking in persons—aggravated offence	the offence is not a disqualifying offence
271.7B	Offence of organ trafficking—entry into and exit from Australia	
271.7C	Organ trafficking—aggravated offence	the offence is not a disqualifying offence
271.7D	Offence of domestic organ trafficking	
271.7E	Domestic organ trafficking—aggravated offence	the offence is not a disqualifying offence

271.7F	Harbouring a victim	
273B.4	Failing to protect child at risk of child sexual abuse offence	
274.2	Torture	the offence is not a disqualifying offence

4 *Drugs Misuse Act 1986*

Provision of Act	Relevant heading	Qualification
5	Trafficking in dangerous drugs	
6	Supplying dangerous drugs	only if the offence is 1 of aggravated supply as mentioned in section 6(2)
8	Producing dangerous drugs	only if an offender was or could have been liable for a penalty as mentioned in section 8(1), penalty, paragraph (a) or (b)
9D	Trafficking in relevant substances or things	

Schedule 3 Repealed or expired serious offences

section 15

1 Criminal Code

Provision of Act	Relevant heading	Qualification
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208	Unlawful sodomy	the offence was not a disqualifying offence and as the provision was in force from time to time before its repeal by the <i>Health and Other Legislation Amendment Act 2016</i>
209	Attempted sodomy	the offence was not a disqualifying offence and as the provision was in force from time to time before its repeal by the <i>Criminal Code and Other Acts Amendment Act 2008</i>
220	Unlawful Detention with Intent to Defile or in a Brothel	the offence was not a disqualifying offence and as the provision was in force from time to time before its repeal by the <i>Criminal Code, Evidence Act and Other Acts Amendment Act 1989</i>
223	Incest by adult female	the offence was not a disqualifying offence and as the provision was in force from time to time before its repeal by the <i>Criminal Law Amendment Act 1997</i>
229G	Procuring engagement in prostitution	as the provision was in force from time to time before its repeal by the <i>Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024</i> , only if an offender was or could have been liable as mentioned in section 229G(2)
229H	Knowingly participating in provision of prostitution	as the provision was in force from time to time before its repeal by the <i>Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024</i> , only if an offender was or could have been liable as mentioned in section 229H(2)

229I	Persons found in places reasonably suspected of being used for prostitution etc.	as the provision was in force from time to time before its repeal by the <i>Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024</i> , only if an offender was or could have been liable as mentioned in section 229I(2)
229L	Permitting young person etc. to be at place used for prostitution	as the provision was in force from time to time before its repeal by the <i>Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024</i>
325	Endangering life or health of apprentices or servants	as the provision was in force from time to time before its repeal by the <i>Training and Employment Act 2000</i>
344	Aggravated assaults	the offence was not a disqualifying offence and as the provision was in force from 20 December 1946 to 30 June 1997 if the circumstance of aggravation was that the unlawful assault was an offence of a sexual nature as defined in the <i>Criminal Law Amendment Act 1945</i> , section 2A.

2 Criminal Code (Cwlth)

Provision of Act	Relevant heading	Qualification
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270.7	Deceptive recruiting for sexual services	the offence was not a disqualifying offence and as the provision was in force from time to time before its repeal by the <i>Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013 (Cwlth)</i>
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137 Amendment of sch 4 (Current disqualifying offences)

- (1) Schedule 4, column 3, heading, ‘relating to the provision of the Act’—

omit.

- (2) Schedule 4, entry for Criminal Code, entry for section 215, column 3—

insert—

only if an imprisonment order is or was imposed for the offence

138 Amendment of sch 5 (Repealed or expired disqualifying offences)

- (1) Schedule 5, column 3, heading, ‘relating to the provision of the Act’—

omit.

- (2) Schedule 5, entry for Criminal Code—

insert—

209 Attempted sodomy as the provision was in force from time to time before its repeal by the *Criminal Code and Other Acts Amendment Act 2008* for an offence committed before 1 July 1997, only if committed against a child or a person with an impairment of the mind

139 Amendment of sch 7 (Dictionary)

- (1) Schedule 7, definitions *amusement park*, *chief executive (disability services)*, *eligibility application*, *eligibility declaration*, *exceptional case*, *negative notice*, *relevant disqualified person*, *relevant disqualified person decision*, *working with children authority*, *working with children clearance* and *working with children exemption*—

omit.

(2) Schedule 7—

insert—

advisory committee means an advisory committee established under section 242.

assessable information see section 220.

carer applicant means a person who has applied to be issued with a certificate under the *Child Protection Act 1999*, chapter 4, part 2, division 3 if the application has not been decided.

chief executive (disability worker screening) means the chief executive of the department in which the *Disability Services Act 2006*, part 5 is administered.

committee member, for chapter 8, part 4, division 9, subdivision 6, see section 241.

disclosable matter, in relation to a person, see section 186(1).

expert advisor means a person appointed under section 246D.

foster and kinship care service means an entity that is funded by the State to provide services supporting approved carers, or carer applicants, under a contract with the chief executive (child safety).

identifying information, in relation to a person, for chapter 8, part 4, division 9, subdivision 2, see section 221.

negative notice see section 18C.

prescribed entity, for chapter 8, part 6, division 8A, see section 344AAA.

relevant person, for chapter 8, part 6, division 5, subdivision 3, see section 328A.

risk assessment means a risk assessment conducted by the chief executive under chapter 8, part 4, division 9, subdivision 4.

risk to the safety of children see section 18D.

State educational institution see the *Education (General Provisions) Act 2006*, schedule 4.

working with children authority see section 18.

working with children clearance see section 18A.

working with children exemption see section 18B.

- (3) Schedule 7, definition *employment-screening decision*, paragraph (c)—
omit.
- (4) Schedule 7, definition *notifiable person*, paragraph (a)(ia)—
omit.
- (5) Schedule 7, definition *notifiable person*, paragraph (a)(vi), ‘a
an adult’—
omit, insert—
an adult
- (6) Schedule 7, definition *notifiable person*, paragraph (a)(ix)—
omit, insert—
- (ix) if the chief executive is aware that the person performs a risk-assessed role for a licensed care service but is not an employee of the licensed care service—the licensee of the licensed care service under the *Child Protection Act 1999*; or
 - (x) if the chief executive is aware that a person is an approved carer or an adult member of an approved carer’s household—a foster and

kinship care service supporting the person;
or

(xi) if the chief executive is aware that a person is a carer applicant or is an adult member of the carer applicant's household—a foster and kinship care service supporting the person; and

(7) Schedule 7, definition *police information*, paragraph (c)(i), 'relevant'—

omit.

(8) Schedule 7, definition *school*, paragraph (a)—

omit, insert—

(a) a State educational institution; or

Part 6 Other amendments

140 Legislation amended

Schedule 1 amends the legislation it mentions.

Schedule 1 Other amendments

section 140

Adoption Act 2009

- 1 **Section 121(3)(a), ‘for which an imprisonment order was imposed’—**

omit.

Adoption Regulation 2020

- 1 **Schedule 1, item 9 ‘positive notice blue card’—**

omit, insert—

working with children clearance

Child Protection Act 1999

- 1 **Section 140AB, definition *prescribed provision*, ‘section 224 (including as applied under section 285)’—**

omit, insert—

section 228

2 Section 140AB, definition *prohibiting event*, paragraph (a)(i)—

omit, insert—

- (i) because the person's working with children authority was refused or cancelled under a prescribed provision; or

3 Schedule 3, definition *negative notice*, 'schedule 7'—

omit, insert—

section 18C

4 Schedule 3, definition *working with children authority*, 'schedule 7'—

omit, insert—

section 18

Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004

1 Schedule 5, definition *working with children authority*, 'schedule 7'—

omit, insert—

section 18

Crime and Corruption Act 2001

- 1 Section 273H(3), definition *relevant offence*, paragraph (b), ‘section 168,’—**

omit, insert—

section 16

Education and Care Services Act 2013

- 1 Schedule 1, definition *exemption notice*—**

omit.

- 2 Schedule 1, definition *working with children authority*, ‘schedule 7’—**

omit, insert—

section 18

- 3 Schedule 1, definition *working with children clearance*, ‘section 220(2)’—**

omit, insert—

section 18A

Education and Care Services National Law (Queensland) Act 2011

- 1 Section 19, definition *working with children authority*,
'schedule 7'—**
omit, insert—
section 18

- 2 Section 22(4), definition *negative notice*, 'schedule 7'—**
omit, insert—
section 18C

- 3 Section 26(5), definition *working with children clearance*,
'section 220(2)'—**
omit, insert—
section 18A

- 4 Section 26(5), definition *working with children exemption*,
'section 282(2)'—**
omit, insert—
section 18B

Education (General Provisions) Act 2006

- 1 Section 156(2A)(a), after 'serious offence'—**
insert—
or a disqualifying offence

2 Section 282(1)(f) and (2)(a), ‘a serious offence’—

omit, insert—

an offence listed in the *Working with Children (Risk Management and Screening) Act 2000*, schedule 2 or 4

3 Schedule 4—

insert—

disqualifying offence see the *Working with Children (Risk Management and Screening) Act 2000*, section 16.

Education (Queensland College of Teachers) Act 2005

1 Section 11(2) after ‘serious offence’—

insert—

or a disqualifying offence

2 Section 12D, definition *eligibility applicant*, paragraph (a), after ‘serious offence’—

insert—

or a disqualifying offence

3 Section 12F(5), example, after ‘serious offence’—

insert—

or disqualifying offence

- 4 Sections 12G, 12K(a), 12M(1)(b)(i) and 15(2)(b) and (6), after ‘serious offence’—**
insert—
or a disqualifying offence
- 5 Section 48, heading, after ‘serious offence,’—**
insert—
disqualifying offence,
- 6 Section 48(1) and 56(1)(a) after ‘a serious offence’—**
insert—
or a disqualifying offence
- 7 Section 56(4)(c)(i), after ‘serious offence’—**
insert—
or the disqualifying offence
- 8 Section 56(4)(c)(ii)(B) after ‘a serious offence’—**
insert—
or a disqualifying offence
- 9 Section 57(1)(b)(i), after ‘serious offence’—**
insert—
or the disqualifying offence
- 10 Section 57(3)(b)(ii), 65(1)(a)(iii), 92(1)(b), (2)(a) and (b) and (5), definition *dealt with*, after ‘a serious offence’—**
insert—
or a disqualifying offence
-

11 Schedule 3—

insert—

disqualifying offence see the Working with Children Act, section 16.

12 Schedule 3, definition *excluded person*, paragraph (b), after ‘serious offence’—

insert—

or a disqualifying offence

Family Responsibilities Commission Act 2008

1 Section 20(3), definition *serious offence*, paragraph (b)—

omit, insert—

- (b) a serious offence or a disqualifying offence under the *Working with Children (Risk Management and Screening) Act 2000*, other than an offence mentioned in paragraph (a);
or

Ministerial and Other Office Holder Staff Act 2010

1 Section 13I(7), definition *disqualifying offence*, ‘section 168’—

omit, insert—

section 16

Parliamentary Service Act 1988

1 Section 47G(7), definition *disqualifying offence*, ‘section 168’—

omit, insert—

section 16

Police Powers and Responsibilities Act 2000

1 Section 789A(1)(b)(i), ‘a serious offence or disqualifying offence’—

omit, insert—

an offence listed in the Working with Children Act, schedule 2 or 4

2 Section 789A(1)(b)(ii), ‘relevant’—

omit.

3 Section 789A(8), definition *relevant disqualified person*—

omit.

4 Section 789A(8)—

insert—

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

5 Section 789B(5) and (6), ‘chief executive (disability services)’—
omit, insert—
chief executive (disability worker screening)

6 Section 789B(8), definition *chief executive (disability services)*—
omit.

7 Section 789B(8)—
insert—
chief executive (disability worker screening) see the *Working with Children (Risk Management and Screening) Act 2000*, schedule 7.

Public Sector Act 2022

1 Section 48 (Definitions for part)
Section 48—
insert—
working with children authority see the *Working with Children (Risk Management and Screening) Act 2000*, section 18.

2 Section 60(4), definition *working with children exemption*, ‘section 282(2)’—
omit, insert—
section 18B

3 Section 64(1)(c), ‘section 235 or 293’—

omit, insert—

section 246J

4 Schedule 2 (Dictionary)

Schedule 2—

insert—

working with children authority, for chapter 3,
part 5, see section 48.

State Penalties Enforcement Regulation 2014

1 Section 19AE(2)(a), ‘blue card positive notice’—

omit, insert—

working with children clearance

2 Section 19AE(2)(b), ‘positive notice’—

omit, insert—

clearance

3 Section 19AN(1)(c), ‘positive notices’—

omit, insert—

working with children clearances

4 Section 19AN(4), definition *positive notice*—

omit.

5 Section 19AN(4)—

insert—

working with children clearance see the *Working with Children (Risk Management and Screening) Act 2000*, section 18A.

Transport Operations (Passenger Transport) Act 1994

1 Schedule 3, definition *category A driver disqualifying offence*, ‘section 18(b)’—

omit, insert—

section 17(1)(b)

2 Schedule 3, definition *category B driver disqualifying offence*, paragraph (a)(i), ‘schedule 2 or 3, subject to any qualification relating to the offence’—

omit, insert—

schedule 2, 3, 4 or 5, subject to any qualification

3 Schedule 3, definition *category B driver disqualifying offence*, paragraph (b), ‘section 18(b)’—

omit, insert—

section 17(1)(b)

4 Schedule 3, definition *relevant order*, paragraph (b), ‘section 18(b)’—

omit, insert—

section 17(1)(b)

Working with Children (Risk Management and Screening) Act 2000

1 Section 191(2), ‘sections 231(1) and 289(1)’—

omit, insert—

sections 238(1) and 239(1)

2 Section 247(2), ‘section 231’—

omit, insert—

section 238

3 Section 302(3)(c), ‘section 235’—

omit, insert—

section 246J

4 Section 350(4)(a), ‘section 231’—

omit, insert—

section 238

5 Section 350B(2), ‘section 220(3)’—

omit, insert—

section 226(3)

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