



Queensland

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

Working with Children (Risk Management and Screening) Regulation 2020

Current as at 1 July 2022

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Working with Children (Risk Management and Screening) Regulation 2020

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Working with Children (Risk Management and Screening) Regulation 2020

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Working with Children (Risk Management and Screening) Regulation 2020*.

2 Commencement

This regulation commences on 31 August 2020.

3 Definitions

In this regulation—

responsible person, for a risk management strategy, for schedule 1, see schedule 1, section 1.

risk management strategy means a written strategy required to be developed and implemented under section 171 or 172 of the Act.

Part 2 General

4 Matters to be included in risk management strategy—Act, ss 171 and 172

The matters stated in schedule 1 are prescribed for sections 171(1)(b) and 172(b) of the Act.

5 Disclosing whether working with children authority is in force is authorised—Act, s 385

- (1) This section applies if a person—
 - (a) uses an online system to ask the chief executive whether a working with children authority held by another person is in force; and
 - (b) in making the request, gives the chief executive—
 - (i) the other person's name as it appears on that person's working with children card; and
 - (ii) the number of the other person's card.
- (2) For section 385(4)(d) of the Act, advising the person whether or not the other person's working with children authority is in force at that time is authorised.

7 Fees

The fees payable under the Act are stated in schedule 2.

7A Rounding of amounts expressed as numbers of fee units

- (1) This section applies for working out the amount of a fee expressed in this regulation as a number of fee units.
- (2) For the purpose of the *Acts Interpretation Act 1954*, section 48C(3), the amount is to be rounded—
 - (a) if the result is not more than \$100—to the nearest multiple of 5 cents (rounding one-half upwards); or
 - (b) if the result is more than \$100 but not more than \$1,000—to the nearest multiple of 10 cents (rounding one-half upwards).

Example—

If a fee were 35 fee units and the value of a fee unit were \$1.015, the number of dollars obtained by multiplying 35 by \$1.015 would be \$35.525. Because \$35.525 is halfway between \$35.50 and \$35.55, it is rounded upwards, so the amount of the fee would be \$35.55.

Part 3 **Repeal and transitional provision**

8 Repeal

The Working with Children (Risk Management and Screening) Regulation 2011, SL No. 148 is repealed.

9 Functions continue not to be usual functions of employment for 28 days

- (1) This section applies to a function of employment—
 - (a) that, immediately before the commencement, was stated in schedule 3 of the repealed regulation as a function of employment that is not a usual function of employment for a stated provision of the Act; and
 - (b) for 28 days after the commencement.
- (2) For schedule 1, item 15 of the Act, the function continues not to be a usual function of employment for the stated provision, despite the repeal of the repealed regulation.
- (3) In this section—

repealed regulation means the repealed *Working with Children (Risk Management and Screening) Regulation 2011*.

Schedule 1 Matters to be included in risk management strategy

section 4

1 Definition for schedule

In this schedule—

responsible person, for a risk management strategy, means the person responsible, under section 171 or 172 of the Act, for developing and implementing the strategy.

2 Matters

- 1 a statement of commitment to the safety and wellbeing of children and protecting children from harm
- 2 a code of conduct for—
 - (a) if the risk management strategy is about employees in regulated employment as defined in section 171(2) of the Act—the employees interacting with children; or
 - (b) if the risk management strategy is about a regulated business—the responsible person for the strategy, and any person who is employed or otherwise engaged by the regulated business, interacting with children
- 3 policies and procedures for recruiting, selecting, training and managing persons employed or otherwise engaged, or to be employed or otherwise engaged, by the responsible person for the risk management strategy, to the extent the policies and procedures reflect the commitment to the safety and wellbeing of children and protecting children from harm
- 4 policies and procedures for handling disclosures or suspicions of harm to children, including reporting guidelines

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- 5 plans and procedures for managing contraventions of the risk management strategy
- 6 policies and procedures for complying with chapters 7 and 8 of the Act, including policies and procedures about—
- (a) implementing and reviewing the risk management strategy; and
 - (b) keeping a written record about matters under chapters 7 and 8 of the Act related to persons employed or otherwise engaged by the responsible person for the risk management strategy

Examples for paragraph (b)—

- 1 whether the responsible person considers a person employed by the responsible person is required to apply for a working with children authority
 - 2 if the responsible person employs a person in restricted employment—whether the responsible person considers the person is a restricted person
 - 3 whether a person has made a working with children check application
 - 4 whether a person holds a working with children authority, and if so, the expiry date of the person's authority
- 7 plans for managing the risks associated with high risk activities and special events
- 8 strategies for providing communication and support for implementing the risk management strategy, including—
- (a) written information about the risk management strategy for, and where the strategy may be accessed by—
 - (i) persons employed or otherwise engaged by the responsible person for the risk management strategy; and
 - (ii) children, or parents of children, who receive a service or take part in an activity associated with the regulated employment or regulated

business to which the risk management strategy relates; and

- (b) training materials for persons employed or otherwise engaged by the responsible person for the risk management strategy—
 - (i) to help identify risks of harm to children; and
 - (ii) to help handle disclosures or suspicions of harm to children; and
 - (iii) about matters included in the risk management strategy.

Schedule 2 Fees

section 7

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| 1 | Working with children check (general) application (Act, s 188(2))— | |
| | (a) if the application is made as a combined application under section 187A(2) of the Act | 15.00 |
| | (b) if the application is made by the holder of a disability clearance | 15.00 |
| | (c) if the application is made by a person who has made a disability worker screening application that has not been decided | 15.00 |
| 2 | Fee for the chief executive giving information under the <i>Education (Queensland College of Teachers) Act 2005</i> , s 15D (Act, s 401(3)) | 11.55 |

Fee units

- | | | |
|---|---|-------|
| 3 | Eligibility application (Act, s 178(3)(c)) | 95.55 |
| 4 | Working with children check (general) application, other than an application already mentioned in this schedule (Act, s 188(2)) | 95.55 |
| 5 | Application to cancel negative notice (Act, s 304H(1)(d)) | 95.55 |
| 6 | Replacement working with children card (Act, ss 347(2)(b) and 348(3)) | 14.45 |