

# **Working with Children (Risk Management and Screening) and Other Legislation Amendment Act 2019**

Explanatory notes for SL 2019 No. 115

made under the

*Working with Children (Risk Management and Screening) and Other Legislation Amendment Act 2019*

## **General Outline**

### **Short title**

Proclamation to commence provisions of *Working with Children (Risk Management and Screening) and Other Legislation Amendment Act 2019*

### **Authorising law**

Section 2 of the *Working with Children (Risk Management and Screening) and Other Legislation Amendment Act 2019*

### **Policy objectives and the reasons for them**

The objective of the proclamation is to commence stated provisions of the *Working with Children (Risk Management and Screening) and Other Legislation Amendment Act 2019* (the Amendment Act) on 1 July 2019.

The Amendment Act received assent on 24 May 2019. Section 2 of the Amendment Act provides that the Amendment Act is to commence on a day to be fixed by proclamation.

The stated provisions which will commence on 1 July 2019 give effect to the following objectives:

- provide stronger protections for children by elevating additional offences to the list of serious and disqualifying offences under the *Working with Children (Risk Management and Screening) Act 2000* (WWC Act);
- establish a new framework for dealing with cardholders and applicants charged or convicted of a serious offence;

- require all adult household members of home-based stand-alone care services to hold a blue card;
- expand the definition of ‘notifiable person’ under the WWC Act so that the Department of Education (DoE) is notified of the blue card status of individual family day care educators and adult household members as well as all staff members, nominated supervisors and volunteers who work within education and care services regulated under either the *Education and Care Services National Law* or *Education and Care Services Act 2013*;
- put beyond doubt that both the relevant school and DoE centrally, as the employing authority, are the ‘notifiable person’ for changes in the blue card status of all persons associated with Queensland State Schools; and
- provide for a stay of ‘blue card’ and ‘yellow card’ review decisions so that if the Queensland Civil and Administrative Tribunal (QCAT) overturns a decision made by the chief executive to issue a person with a negative notice, QCAT’s orders are stayed automatically until the appeal period has expired or, if an appeal is lodged, the appeal is finally decided.

The other provisions in the Amendment Act will commence at a later date.

## **Achievement of policy objectives**

The policy objective is achieved by fixing the commencement date of 1 July 2019.

## **Consistency with policy objectives of authorising law**

The Proclamation is consistent with the policy objectives of the authorising law.

## **Inconsistency with policy objectives of other legislation**

The Proclamation is not inconsistent with any policy objective of any other legislation.

## **Benefits and costs of implementation**

The Proclamation will commence amendments which provide more robust protections for children and strengthen the blue card system.

Any costs associated with the Proclamation will be met by existing agency resources.

## **Consistency with fundamental legislative principles**

The Proclamation does not conflict with fundamental legislative principles as set out in section 4 of the *Legislative Standards Act 1992*.

## Consultation

Consultation was undertaken with a range of stakeholders during the development of the Amendment Act.

No other consultation occurred on the Proclamation as it is machinery in nature.

A self-assessment by the Department of Justice and Attorney-General determined that no Regulatory Impact Analysis is required as the regulatory proposal is excluded under category (g) of the *Queensland Government Guide to Better Regulation* – regulatory proposals that are of a machinery nature.