

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

Explanatory notes for SL 2019 No. 138

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 the *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 sections 6, 60 (to the extent it is not in force) and 65 of the *Working with Children (Risk Management and Screening) and Other Legislation Amendment Act 2019* (the Amendment Act) on 5 August 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.

Sections 6, 60 (to the extent it is not in force) and 65 which will commence on 5 August 2019 give effect to the following objectives:

- establish a register of regulated persons who provide home-based care services to children (the register);
- expand the chief executive's functions to include establishing the register; and
- give authority to the chief executive to approve the use of an information system.

Home-based care services include foster and kinship care, family day care and stand-alone care.

The purpose of the register is to promote the safety of children by enabling authorised users to access up-to-date information about a regulated person who provides a home-based care service; and each person who is an associated adult of the regulated person for the home-based care service.

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 5 August 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 will improve the visibility of home-based care services (including co-located services), inform decision-making and risk assessments, and facilitate information sharing between relevant government agencies to promote the safety of all children accessing these home-based care services.

The register was established from within existing agency resources. 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.