

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

Explanatory notes for SL 2020 No. 130

made under the

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

General Outline

Short title

Proclamation to commence the remaining 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 policy objective of the proclamation is to commence the provisions of the *Working with Children (Risk Management and Screening) Amendment Act 2019* (the Amendment Act) that are not in force, on 31 August 2020.

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.

On 7 May 2020, the Governor in Council made the *Working with Children (Risk Management and Screening) and Other Legislation Amendment (Postponement) Regulation 2020* (Postponement Regulation).

The Postponement Regulation delayed the automatic commencement of the remaining provisions of the Amendment Act to 25 May 2021. The temporary delay was necessary having regard to, in particular, the need for stakeholders to focus on continuing to provide essential child-safe services while dealing with COVID-19.

The remaining provisions of the Amendment Act which will commence on 31 August 2020 give effect to the following objectives:

- implement the Government's 'No Card, No Start' election commitment to amend the *Working with Children (Risk Management and Screening) Act 2000* (WWC Act) and introduce automated blue card application processes to prevent people commencing paid child-related work while a blue card application is pending;
- streamline the application process by enabling applications to be made manually or through an online process, creating more flexibility for applicants;
- remove the requirement that a person must have an agreement to work with an organisation before applying for a working with children check;
- enable organisations to manage their blue card obligations as well as communications with the chief executive, including relevant notifications, through an online organisation portal;
- strengthen the identity check process by introducing a photograph on the working with children card;
- remove the ability for a person performing child-related work to rely on an exemption under the WWC Act (for example, the volunteer parent exemption) if they are considered ineligible to work with children (for example, a negative notice holder); and
- introduce a simplified frequency test which means a person is not required to hold a blue card if the person is employed to work, and works, in the employment (whether paid or voluntary) for not more than seven days in a calendar year.

Achievement of policy objectives

The policy objective is achieved by fixing the commencement date of 31 August 2020.

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 and modernise the blue card system.

As part of the 2018-19 Budget, the Government allocated \$17 million over three years to implement the 'No Card, No Start' laws and an online blue card application system.

Any costs associated with the Proclamation itself 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

In line with Recommendation 78 of the Blue Card Review Report, the Department of Justice and Attorney-General (DJAG) established the Blue Card Review Implementation Reference Group (IRG) to monitor the blue card reforms. The IRG consists of government and non-government stakeholders.

Consultation was undertaken with a range of stakeholders, including IRG members, during the development of the Amendment Act. Members of the IRG have also been regularly briefed about the status of the 'No Card, No Start' project. During the ongoing consultation with the IRG, no member expressed any reservations about an anticipated commencement of the 'No Card, No Start' requirement.

A self-assessment by the Department of Justice and Attorney-General determined that no further 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.