

Working with Children (Risk Management and Screening) Regulation 2020

Explanatory notes for SL 2020 No. 131

Made under the

Transport Planning and Coordination Act 1994
Working with Children (Risk Management and Screening) Act 2000

General Outline

Short Title

Working with Children (Risk Management and Screening) Regulation 2020

Authorising law

Section 38 of the *Transport Planning and Coordination Act 1994*
Section 401 of the *Working with Children (Risk Management and Screening) Act 2000*

Policy objectives and the reasons for them

The purpose of the Working with Children (Risk Management and Screening) Regulation 2020 (2020 Regulation) is to repeal and replace the *Working with Children (Risk Management) Regulation 2011* (current Regulation) as a result of amendments made to the *Working with Children (Risk Management and Screening) Act 2000* (WWC Act) by the *Working with Children (Risk Management and Screening) and Other Legislation Amendment Act 2019* (Amendment Act).

The 2020 Regulation supports Blue Card Services (BCS) in the administration of the WWC Act by:

- updating terminology to align with amendments made to the WWC Act by the Amendment Act;
- modernising and updating the language used in the matters which must be included in a responsible person's risk management strategy;
- providing for the recording, or disclosure, of confidential information about a person to another person in limited circumstances (for example, advising a person whether or not another person's working with children authority is in force);

- maintaining the expanded scope of blue card screening for National Disability Insurance Scheme (NDIS) non-government service providers;
- prescribing fees payable under the WWC Act, including giving effect to the increase in fees in line with the approved Government indexation rate of 1.8% for 2020-21;
- providing transitional arrangements for those functions that are no longer considered to be exempt from blue card requirements due to the adoption of a new and simplified frequency test in the Amendment Act; and
- amending the *Transport Planning and Coordination Regulation 2017* (Transport Regulation) to include the WWC Act as a 'prescribed authorisation Act' and the working with children authority, or a working with children card for a working with children authority as 'prescribed authorities' to facilitate the inclusion of a person's photograph on their working with children card.

The 2020 Regulation will commence on 31 August 2020 to coincide with the commencement of the remaining provisions of the Amendment Act.

Achievement of policy objectives

The 2020 Regulation will repeal and remake the current Regulation. The 2020 Regulation omits unnecessary provisions from the current Regulation but otherwise provides for substantially the same matters contained in the current Regulation, with minor changes to reflect new terminology and current drafting practice.

Consistency with policy objectives of authorising law

The 2020 Regulation is consistent with policy objectives of the WWC Act and the Amendment Act.

Inconsistency with policy objectives of other legislation

The Regulation is not inconsistent with policy objectives of any other legislation.

Benefits and costs of implementation

The 2020 Regulation will continue to support the efficient and effective administration of the blue card system in accordance with two fundamental principles: (i) the welfare and best interests of a child are paramount; and (ii) every child is entitled to be cared for in a way that protects the child from harm and promotes the child's wellbeing (section 6 WWC Act). The 2020 Regulation also simplifies and removes unnecessary regulatory burden.

Any costs to departments or agencies will be met from existing resources.

Consistency with fundamental legislative principles

The 2020 Regulation is consistent with fundamental legislative principles.

Consultation

A sunset review of the current Regulation was undertaken in accordance with *The Queensland Government Guide to Better Regulation*. The Office of Best Practice Regulation was consulted on the sunset review and advised that the 2020 Regulation will not add to the burden of regulation and is unlikely to result in significant adverse impacts.