

# Working with Children (Risk Management and Screening) and Other Legislation Amendment (Postponement) Regulation 2020

## Human Rights Certificate

### Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Yvette D'Ath MP, Attorney-General and Minister for Justice provide this human rights certificate with respect to the *Working with Children (Risk Management and Screening) and Other Legislation Amendment (Postponement) Regulation 2020* (Postponement Regulation) made under the *Working with Children (Risk Management and Screening) and Other Legislation Amendment Act 2019*.

In my opinion, the Postponement Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

### Overview of the Subordinate Legislation

The *Working with Children (Risk Management and Screening) and Other Legislation Amendment Act 2019* (Amendment Act) received assent on 24 May 2019.

The policy objectives of the Amendment Act are to amend the *Working with Children (Risk Management and Screening) Act 2000* (WWC Act) to:

- give effect to the Government's election commitment to introduce automated blue card application processes to prevent people commencing paid work while a blue card application is pending ('No Card, No Start' election commitment); and
- implement recommendations from the Queensland Family and Child Commission (QFCC) reports *Keeping Queensland's children more than safe: Review of the blue card system* (QFCC Report) and *Recommendation 28 Supplementary Review: A report on information sharing to enhance the safety of children in regulated home-based services* (Supplementary Review).

Certain provisions of the Amendment Act commenced by proclamation on 1 July 2019 and on 5 August 2019.

Section 2 of the Amendment Act provides for the remaining provisions of the Amendment Act to commence on a day to be fixed by proclamation. These remaining provisions give effect to the following objectives:

- implement the Government's 'No Card, No Start' election commitment 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.

Under section 15DA(2) of the *Acts Interpretation Act 1954* (AIA), the remaining provisions of the Amendment Act will automatically commence on 25 May 2020. Section 15DA(3) of the AIA provides that, within one year of the assent day, a regulation may extend the period before commencement under section 15DA(2) to not more than two years of the assent day.

The Postponement Regulation will extend the period under section 15DA(2) of the AIA to the end of 24 May 2021, so that the remaining provisions of the Amendment Act will automatically commence on 25 May 2021. The postponement regulation will expire on 26 May 2021.

## Human Rights Issues

### **Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)**

The Postponement Regulation will postpone automatic commencement of the remaining provisions of the Amendment Act to 25 May 2021 and does not limit any human rights.

### **Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)**

The Postponement Regulation does not limit, restrict or interfere with human rights.

## Conclusion

I consider that the Postponement Regulation is compatible with the *Human Rights Act 2019* because it does not limit any human rights.

**YVETTE D'ATH MP**  
Attorney-General and Minister for Justice  
Leader of the House