



Queensland

Child Protection Reform Amendment Bill 2014

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2014

A Bill

for

An Act to amend the *Child Protection Act 1999*, the *Childrens Court Act 1992*, the *Commission for Children and Young People and Child Guardian Act 2000*, the *Magistrates Act 1991*, the *Ombudsman Act 2001* and the *Public Health Act 2005* for particular purposes and to make consequential amendments to the Acts mentioned in schedule 1

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Child Protection Reform Amendment Act 2014*. 4
5

Clause 2 Commencement 6

(1) Parts 3 and 5 commence on assent. 7

(2) The remaining provisions of this Act, other than the provisions mentioned in subsection (3), commence on 1 July 2014. 8
9
10

(3) The following provisions commence on a day, on or after 1 July 2014, to be fixed by proclamation— 11
12

(a) sections 5, 6, 8, 16(2), 22, 25(1) and 26(1); 13

(b) section 40(2) to the extent it inserts new definitions *registered nurse*, *reportable suspicion*, *school* and *teacher*; 14
15
16

(c) part 7. 17

Part 2 Amendment of Child Protection Act 1999 18
19

Clause 3 Act amended 20

This part amends the *Child Protection Act 1999*. 21

Clause 4	Amendment of s 7 (Chief executive’s functions)	1
	Section 7(1)(p), after ‘died’—	2
	<i>insert</i> —	3
	or who have suffered serious physical injury	4
Clause 5	Amendment of s 10 (Who is a <i>child in need of protection</i>)	5
	Section 10(a)—	6
	<i>omit, insert</i> —	7
	(a) has suffered significant harm, is suffering	8
	significant harm, or is at unacceptable risk	9
	of suffering significant harm; and	10
Clause 6	Insertion of new ch 2, pt 1AA	11
	Chapter 2—	12
	<i>insert</i> —	13
	Part 1AA	14
	Informing the chief	15
	executive about harm	16
	or risk of harm to	17
	children	17
	Division 1	18
	General	18
	13A Action by persons generally	19
	(1) Any person may inform the chief executive if the	20
	person reasonably suspects—	21
	(a) a child may be in need of protection; or	22
	(b) an unborn child may be in need of	23
	protection after he or she is born.	24

[s 6]

- (2) The information given may include anything the person considers relevant to the person's suspicion. 1
2
3

13B Action by relevant persons under other provisions 4
5

- (1) Under division 2, if a relevant person has a reportable suspicion about a child, the person is required to report the matter to the chief executive. 6
7
8
9
- (2) If a relevant person does not have a reportable suspicion about a child but considers the child is likely to become a child in need of protection if no preventative support is given, the person may take other appropriate action under this Act. 10
11
12
13
14
- (3) For example, if the relevant person is a prescribed entity to which section 159M applies, the person may give information under that section to a service provider so the service provider can offer help and support to the child or child's family to stop the child becoming a child in need of protection. 15
16
17
18
19
20
21

13C Considerations when forming a reasonable suspicion about harm to a child 22
23

- (1) This section applies to a person in forming a reasonable suspicion, for section 13A(1) or division 2, about whether a child has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm. 24
25
26
27
28
29
- (2) The matters that the person may consider include— 30
31
- (a) whether there are detrimental effects on the child's body or the child's psychological or emotional state— 32
33
34

-
- (i) that are evident to the person; or 1
 - (ii) that the person considers are likely to 2
become evident in the future; and 3
 - (b) in relation to any detrimental effects 4
mentioned in paragraph (a)— 5
 - (i) their nature and severity; and 6
 - (ii) the likelihood that they will continue; 7
and 8
 - (c) the child’s age. 9
- (3) The person’s consideration may be informed by 10
an observation of the child, other knowledge 11
about the child or any other relevant knowledge, 12
training or experience that the person may have. 13

13D Protection from liability 14

Section 197A provides for protection from liability for 15
information given under this part. 16

Division 2 **Mandatory reporting by** 17
 particular persons 18

13E Mandatory reporting by persons engaged in 19
particular work 20

- (1) This section applies to a person (a *relevant* 21
person) who is any of the following — 22
- (a) a doctor; 23
 - (b) a registered nurse; 24
 - (c) a teacher; 25
 - (d) a police officer who, under a direction given 26
by the commissioner of the police service 27
under the *Police Service Administration Act* 28

[s 6]

	1990, is responsible for reporting under this section;	1 2
	(e) a person engaged to perform a child advocate function under the <i>Public Guardian Act 2014</i> .	3 4 5
(2)	For this section, a <i>reportable suspicion</i> about a child is a reasonable suspicion that the child—	6 7
	(a) has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse; and	8 9 10 11
	(b) may not have a parent able and willing to protect the child from the harm.	12 13
(3)	If a relevant person forms a reportable suspicion about a child in the course of the person's engagement as a relevant person, the person must give a written report to the chief executive under section 13G.	14 15 16 17 18
	13F Mandatory reporting relating to children in departmental or licensed care services	19 20
(1)	This section applies to a person (a <i>relevant person</i>) who is any of the following—	21 22
	(a) an authorised officer;	23
	(b) a public service employee employed in the department;	24 25
	(c) a person employed in a departmental care service or licensed care service.	26 27
(2)	For this section, a <i>reportable suspicion</i> about a child in care is a reasonable suspicion that the child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse.	28 29 30 31 32

-
- (3) If a relevant person forms a reportable suspicion about a child in care, the person must give a written report to the chief executive under section 13G. 1
2
3
4
- (4) In this section— 5
child in care means a child placed in the care of 6
an entity conducting a departmental care service 7
or a licensee. 8

13G Report to the chief executive 9

- (1) This section applies to a report that a relevant person is required to give under section 13E or 13F. 10
11
12
- (2) The report must— 13
- (a) state the basis on which the person has formed the reportable suspicion; and 14
15
- (b) include the information prescribed by regulation, to the extent of the person's knowledge. 16
17
18
- (3) The person is not required to give a report about a matter if— 19
20
- (a) giving the report might tend to incriminate the person; or 21
22
- (b) the person knows, or reasonably supposes, that the chief executive is aware of the matter. 23
24
25
- (4) A regulation may prescribe the way the report must be given. 26
27
- (5) To remove any doubt, it is declared that a person does not commit an offence against this or another Act only because the person omits to do an act required under section 13E(3) or 13F(3) or this section. 28
29
30
31
32

[s 6]

13H Conferrals with colleague and related information sharing	1 2
(1) A relevant person may give information to a colleague, and a colleague may give information to a relevant person, for any of the following purposes—	3 4 5 6
(a) for the relevant person to form a suspicion about whether a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse;	7 8 9 10 11
(b) in the case of a relevant person under section 13E—for the relevant person to form a suspicion about whether a child has a parent able and willing to protect the child from harm mentioned in paragraph (a);	12 13 14 15 16
(c) for the relevant person to give a report under section 13G or keep a record about giving a report;	17 18 19
(d) for the relevant person or colleague to take appropriate action to deal with suspected harm or risk of harm to a child.	20 21 22
<i>Example for paragraph (d)—</i>	23
A teacher with a reportable suspicion about a child under section 13E may give information to the principal at the school to enable the principal to take appropriate action to protect the child or other children from risk of harm.	24 25 26 27 28
(2) In this section—	29
<i>colleague</i> , of a relevant person, means a person working in or for the same entity as the relevant person.	30 31 32
13I Reporting obligation arises when reportable suspicion is formed	33 34
To remove any doubt, it is declared that—	35

-
- (a) a relevant person is not required to give a report under section 13G until the person has formed a reportable suspicion about a child; and
- Example—*
- After observing injuries on a child’s body, a doctor or teacher considers it possible that a parent of the child has physically abused the child or failed to protect the child from physical abuse. After obtaining further information about the family’s circumstances, the doctor or teacher forms a reportable suspicion about the child under section 13E.
- (b) once a relevant person has formed a reportable suspicion about a child, the person must comply with section 13G even though the person is taking, or has taken, other action in relation to the child.

13J Particular reports to be given to public guardian

As soon as practicable after receiving a report required by section 13F, the chief executive must give a copy to the public guardian to help the public guardian perform the public guardian’s child advocate functions under the *Public Guardian Act 2014*.

Clause 7 Amendment of s 14 (Investigation of alleged harm)

- (1) Section 14, heading, ‘Investigation’—

omit, insert—

Substantiation

- (2) Section 14(1)(a)—

omit, insert—

- (a) have an authorised officer investigate the allegation, assess whether the alleged harm

[s 8]

	or risk of harm can be substantiated and, if it	1
	can, assess the child's protective needs; or	2
(3)	Section 14(1), editor's note—	3
	<i>omit.</i>	4
Clause 8	Amendment, renumbering and relocation of s 22	5
	(Protection from liability for notification of, or information	6
	given about, alleged harm or risk of harm)	7
(1)	Section 22, heading—	8
	<i>omit, insert—</i>	9
	22 Protection from liability for giving information	10
	about alleged harm or risk of harm	11
(2)	Section 22(1)—	12
	<i>omit, insert—</i>	13
	(1) This section applies if a person, acting honestly	14
	and reasonably—	15
	(a) gives information to the chief executive	16
	under chapter 2, part 1AA; or	17
	(b) otherwise notifies the chief executive or	18
	another public service employee employed	19
	in the department that the person suspects—	20
	(i) a child has suffered harm, is suffering	21
	harm or is at risk of suffering harm; or	22
	(ii) an unborn child may be at risk of harm	23
	after he or she is born; or	24
	(c) otherwise gives the chief executive, an	25
	authorised officer or a police officer—	26
	(i) information about alleged harm or	27
	alleged risk of harm to a child; or	28
	(ii) information, relating to an unborn	29
	child, about a suspected risk of harm to	30
	the child after he or she is born; or	31

	(d) gives information to a relevant person or colleague of a relevant person under section 13H.	1 2 3
	(3) Section 22— <i>relocate</i> to chapter 6, part 7 and <i>renumber</i> as section 197A.	4 5
Clause 9	Amendment of s 126 (Restrictions on granting application) Section 126(d), ‘Commissioner’s Act’— <i>omit, insert</i> — Working with Children Act	6 7 8 9 10
Clause 10	Amendment of s 129A (Licensee’s obligations) Section 129A(c), ‘Commissioner’s Act’— <i>omit, insert</i> — Working with Children Act	11 12 13 14
Clause 11	Amendment of s 139 (Authority may be suspended or cancelled) Section 139(1)(h)(i), ‘Commissioner’s Act’— <i>omit, insert</i> — Working with Children Act	15 16 17 18 19
Clause 12	Amendment of s 140AB (Definitions for sdiv 3) Section 140AB, definitions <i>apply for a review and prescribed provision</i> , ‘Commissioner’s Act’— <i>omit, insert</i> — Working with Children Act	20 21 22 23 24

[s 13]

Clause 13	Amendment of s 140A (Chief executive to give particular information to children’s commissioner)	1 2
(1)	Section 140A, ‘children’s commissioner’— <i>omit, insert—</i> chief executive (employment screening)	3 4 5
(2)	Section 140A, ‘Commissioner’s Act’— <i>omit, insert—</i> Working with Children Act	6 7 8
Clause 14	Amendment of s 141H (Nominee for licence)	9
(1)	Section 141H(1)(c), ‘children’s commissioner’— <i>omit, insert—</i> chief executive (employment screening)	10 11 12
(2)	Section 141H(1)(c) and (3)(b), ‘Commissioner’s Act’— <i>omit, insert—</i> Working with Children Act	13 14 15
Clause 15	Amendment of s 141I (Director of licensee)	16
(1)	Section 141I(1)(c), ‘Commissioner’s Act’— <i>omit, insert—</i> Working with Children Act	17 18 19
(2)	Section 141I(1)(c), ‘children’s commissioner’— <i>omit, insert—</i> chief executive (employment screening)	20 21 22
Clause 16	Amendment and omission of s 148 (Obligation to report harm to children in departmental and licensed care services)	23 24 25
(1)	Section 148(5)—	26

omit, insert— 1

(5) As soon as practicable after receiving a report 2
under this section, the chief executive must give a 3
copy to the public guardian to help the public 4
guardian perform the public guardian’s child 5
advocate functions under the *Public Guardian 6
Act 2014.* 7

(2) Section 148— 8
omit. 9

**Clause 17 Amendment of s 148A (Chief executive to notify 10
children’s commissioner about particular persons) 11**

(1) Section 148A, ‘children’s commissioner’— 12
omit, insert— 13

chief executive (employment screening) 14

(2) Section 148A(1)(a)(i) and (3)(b), ‘Commissioner’s Act’— 15
omit, insert— 16

Working with Children Act 17

**Clause 18 Amendment of s 148B (Obtaining particular information 18
from children’s commissioner) 19**

(1) Section 148B, ‘children’s commissioner’— 20
omit, insert— 21

chief executive (employment screening) 22

(2) Section 148B(1)(a)(ii), ‘Commissioner’s Act’— 23
omit, insert— 24

Working with Children Act 25

**Clause 19 Amendment of ch 4, pt 3, hdg (Application of 26
Commissioner’s Act) 27**

Chapter 4, part 3, heading, ‘Commissioner’s Act’— 28

[s 20]

omit, insert—

1

Working with Children Act

2

Clause 20 Amendment of s 148C (Application to licensed care service)

3

4

Section 148C(1), ‘Commissioner’s Act’—

5

omit, insert—

6

Working with Children Act

7

Clause 21 Amendment of s 148D (Pending application for prescribed notice)

8

9

Section 148D(1)(a), (2) and (4), ‘Commissioner’s Act’—

10

omit, insert—

11

Working with Children Act

12

Clause 22 Amendment of s 159C (What is *relevant information*)

13

Section 159C(1), definition *relevant information*, paragraph (b)—

14

insert—

15

(vi) offer help and support to a child or
child’s family to stop the child
becoming a child in need of protection;
or

16

17

18

19

Clause 23 Amendment of s 159D (Other definitions for ch 5A)

20

Section 159D, definition *prescribed entity*—

21

insert—

22

(ca) the public guardian;

23

Clause 24	Amendment of s 159O (Release of information by a health services designated person)	1 2
	Section 159O(1)(b), ‘, or the preparation of a supplementary report,’—	3 4
	<i>omit.</i>	5
Clause 25	Amendment of s 186 (Confidentiality of notifiers of harm or risk of harm)	6 7
	(1) Section 186(1), ‘, an authorised officer or a police officer’—	8
	<i>omit, insert—</i>	9
	or an authorised officer, police officer, doctor or nurse	10
	(2) Section 186(2)(d)—	11
	<i>omit.</i>	12
Clause 26	Amendment of s 197 (Protection from liability)	13
	(1) Section 197, heading, after ‘liability’—	14
	<i>insert—</i>	15
	for officials	16
	(2) Section 197(3), definition <i>official</i> —	17
	<i>insert—</i>	18
	(e) a member of a review panel.	19
Clause 27	Amendment of ch 7A, hdg (Child deaths)	20
	Chapter 7A, heading, after ‘deaths’—	21
	<i>insert—</i>	22
	and other matters	23
Clause 28	Insertion of new ch 7A, pt 1, hdg	24
	Chapter 7A, before section 246A—	25

[s 29]

insert—

**Part 1 Child death and other
 case reviews**

**Clause 29 Replacement of s 246A (Chief executive to review
 department’s involvement with particular children)**

Section 246A—

omit, insert—

246AA Purpose

- (1) This chapter provides for a system of review of the department’s involvement with particular children who have since died or suffered serious physical injury.
- (2) The system includes a review by the chief executive and further independent review by a panel of appropriately qualified persons.
- (3) The purposes of requiring the reviews are—
 - (a) to facilitate ongoing learning and improvement in the provision of services by the department; and
 - (b) to promote the accountability of the department.

**246A Chief executive to review department’s
 involvement with particular children**

- (1) This section applies if a child dies or suffers serious physical injury.
- (2) The chief executive must carry out a review about the department’s involvement with the child if—
 - (a) at the time of the child’s death or serious physical injury, the child is in the chief executive’s custody or guardianship; or

	(b) within 1 year before the child's death or serious physical injury, the chief executive became aware of alleged harm or alleged risk of harm to the child in the course of performing functions under or relating to the administration of this Act; or	1 2 3 4 5 6
	(c) within 1 year before the child's death or serious physical injury, the chief executive took action under this Act in relation to the child; or	7 8 9 10
	(d) the child was less than 1 year old at the time of death or serious physical injury and, before the child was born, the chief executive reasonably suspected the child might be in need of protection after he or she was born; or	11 12 13 14 15 16
	(e) the Minister requests a review under subsection (3).	17 18
	(3) The Minister may ask the chief executive to carry out a review if the Minister considers the circumstances of the child's death or serious physical injury may be relevant to the chief executive's functions under or relating to the administration of this Act.	19 20 21 22 23 24
Clause 30	Amendment of s 246B (Terms of reference and extent of review)	25 26
	(1) Section 246B(2) and (3)— <i>renumber</i> as section 246B(3) and (4).	27 28
	(2) Section 246B— <i>insert</i> —	29 30
	(2) Without limiting the matters the chief executive may consider in making a decision under subsection (1), the chief executive may consider the nature of the department's involvement with	31 32 33 34

[s 31]

	the child and its relevance to the cause of the	1
	child's death or serious physical injury.	2
Clause 31	Amendment of s 246C (Chief executive may seek information from entities)	3
	Section 246C, after 'alive'—	4
	<i>insert</i> —	5
	or before the child was injured	6
Clause 32	Replacement of s 246D (Report to be prepared and given to CDCRC)	7
	Section 246D—	8
	<i>omit, insert</i> —	9
	246D Report to be prepared and given to review panel	10
	(1) As soon as practicable, and not more than 6 months, after the triggering event for the chief executive's review, the chief executive must—	11
	(a) complete the review; and	12
	(b) prepare a report about the review; and	13
	(c) give the following documents (the <i>original review documents</i>) to the review panel to which the review is allocated under section 246HF—	14
	(i) a copy of the report under paragraph (b);	15
	(ii) any documents obtained by the chief executive and used for the review.	16
	(2) In this section—	17
	<i>triggering event</i> means—	18

-
- (a) for a review under section 246A(2)(a) to 1
(d)—the child’s death or serious physical 2
injury; or 3
 - (b) for a review under section 246A(2)(e)—the 4
Minister’s request. 5

**246DA Review panel may obtain further 6
information 7**

- (1) After receiving the original review documents, 8
the review panel may ask the chief executive for 9
further information relevant to the panel’s review. 10
- (2) The chief executive must comply with the request 11
to the extent that the chief executive has the 12
information or may obtain it under this Act. 13
- (3) For the purpose of complying with the request, 14
the chief executive may ask another entity for 15
particular information requested by the panel. 16
- (4) If the chief executive asks a prescribed entity for 17
information, section 159N applies to the request 18
as if the requested information were relevant 19
information for that section. 20
- (5) In this section— 21
prescribed entity see section 159D. 22

246DB Review panel to conduct further review 23

- (1) The review panel must review the chief 24
executive’s review as soon as practicable and, in 25
any case, in time to comply with section 246DC. 26
- (2) The review panel must decide the extent and 27
terms of reference of its review. 28
- (3) The matters that the review panel may decide to 29
consider in its review include the following— 30

[s 33]

	(a) a matter within the terms of reference of the chief executive's review;	1 2
	(b) ways of improving the department's practices relating to the delivery of services to children and families;	3 4 5
	(c) ways of improving the relationship between the department and other entities with functions involving children or families;	6 7 8
	(d) whether disciplinary action should be taken against a public service employee of the department in relation to the department's involvement with a child.	9 10 11 12
	246DC Report of panel's review	13
	(1) Within 6 months after receiving the original review documents, the review panel must complete its review under section 246DB, prepare a report of the review and give the report to the chief executive.	14 15 16 17 18
	(2) The chief executive must give a copy of the panel's report to the Minister if—	19 20
	(a) the panel's review was of a review by the chief executive carried out in response to a request of the Minister under section 246A(3); or	21 22 23 24
	(b) the Minister asks for a copy.	25
Clause 33	Amendment of s 246E (Protection from liability for giving information to chief executive)	26 27
	(1) Section 246E, heading, after 'chief executive'— <i>insert—</i>	28 29
	or review panel	30
	(2) Section 246E(1)—	31

omit, insert—

		1
	(1) This section applies if a person, acting honestly,	2
	gives information to the chief executive or a	3
	review panel for a review under this part.	4
Clause 34	Amendment of s 246F (No liability for defamation if report made in good faith)	5
	Section 246F, ‘, including a supplementary report,’—	6
	<i>omit.</i>	7
		8
Clause 35	Omission of s 246G (Preparation of supplementary report)	9
	Section 246G—	10
	<i>omit.</i>	11
		12
Clause 36	Amendment of s 246H (Chief executive to give reports to State Coroner)	13
	Section 246H(1)(a)—	14
	<i>omit, insert—</i>	15
		16
	(a) the chief executive completes a report under	17
	section 246D or is given a review panel’s	18
	report under section 246DC; and	19
Clause 37	Insertion of new ch 7A, pt 2	20
	Chapter 7A, after section 246H—	21
	<i>insert—</i>	22

[s 37]

Part 2	Child Death Case Review Panels	1 2
Division 1	Pool of panel members	3
246HA Appointment		4
(1)	The Minister may appoint persons to a pool from which the members of review panels are chosen.	5 6
(2)	A person may be appointed to the pool only if the Minister is satisfied the person is eligible and suitable for appointment.	7 8 9
(3)	A person is eligible for appointment if the person—	10 11
(a)	has expertise in the field of paediatrics and child health, forensic pathology, mental health, investigations or child protection; or	12 13 14
(b)	is otherwise, because of the person's qualifications, experience or membership of an entity, likely to make a valuable contribution to the work of a review panel.	15 16 17 18
(4)	Without limiting the matters to which the Minister may have regard in deciding whether a person is suitable for appointment, the Minister—	19 20 21 22
(a)	must not appoint a person if the person does not consent to a criminal history check before appointment; and	23 24 25
(b)	may have regard to a person's criminal history.	26 27
(5)	Also, in making appointments, the Minister must have regard to the requirements for the membership of review panels under section 246HH.	28 29 30 31

246HB Minister may obtain criminal history report	1
(1) This section applies in relation to—	2
(a) a person whom the Minister proposes to appoint as a member of the pool and who has consented to a criminal history check under section 246HA; or	3 4 5 6
(b) a member of the pool.	7
(2) The Minister may ask the police commissioner for the following information—	8 9
(a) the person’s criminal history;	10
(b) a brief description of the circumstances of a conviction or charge mentioned in the person’s criminal history.	11 12 13
(3) The police commissioner must comply with the request, but only in relation to information in the police commissioner’s possession or to which the police commissioner has access.	14 15 16 17
(4) The Minister must destroy a report given to the Minister under this section as soon as practicable after it is no longer needed for the purpose for which it was requested.	18 19 20 21
246HC Term of office	22
(1) A member of the pool holds office for the term, of not more than 2 years, stated in the member’s instrument of appointment.	23 24 25
(2) A member may resign by signed notice given to the Minister.	26 27
246HD Conditions of appointment	28
A member of the pool holds office under the conditions of appointment fixed by the Minister.	29 30

[s 37]

Division 2	Establishment and operation of panels	1 2
246HE Establishment		3
	The Minister may establish Child Death Case Review Panels to carry out independent reviews of the chief executive's reviews under part 1.	4 5 6
246HF Allocation of reviews		7
(1)	For each review carried out by the chief executive under part 1, the Minister must establish a review panel or nominate an existing review panel to carry out a review of the chief executive's review.	8 9 10 11
(2)	A review panel may be allocated 1 or more reviews under this section.	12 13
246HG Independence		14
	A review panel is not subject to direction by the Minister about the way the panel performs its functions.	15 16 17
246HH Membership		18
(1)	A review panel consists of the members chosen by the Minister from the pool under division 1.	19 20
(2)	Each review panel must include—	21
(a)	at least 3 persons who are not public service employees and who the Minister is satisfied have specialist knowledge and experience in child protection issues; and	22 23 24 25
(b)	at least 1, and not more than 3, public service officers employed in the department; and	26 27 28

(c) at least 1 public service officer who is employed, as a senior executive or senior officer, in a department other than the department in which this Act is administered.

(3) At least 1 member of the panel must be an Aboriginal or Torres Strait Islander person.

246HI Conduct of business

Subject to this chapter, a review panel may conduct its business, including meetings, in the way it considers appropriate.

246HJ Quorum

A quorum for a review panel is 3 members, including—

(a) at least 2 members who are not public service officers employed in the department; and

(b) if the panel’s review concerns the death or serious physical injury of an Aboriginal or Torres Strait Islander child—at least 1 member who is an Aboriginal or Torres Strait Islander person.

246HK Disclosure of interests

(1) This section applies to a member of a review panel if—

(a) the member has a direct or indirect interest in an issue being considered, or about to be considered, by the panel; and

(b) the interest could conflict with the proper performance of the member’s duties about the consideration of the issue.

[s 37]

- (2) As soon as practicable after the relevant facts come to the member's knowledge, the member must disclose the nature of the interest to a meeting of the panel. 1
2
3
4
- (3) Unless the panel otherwise directs, the member must not— 5
6
 - (a) be present when the panel considers the issue; or 7
8
 - (b) take part in a decision of the panel about the issue. 9
10
- (4) The member must not be present when the panel is considering whether to give a direction under subsection (3). 11
12
13
- (5) If there is another member who must, under subsection (2), also disclose an interest in the issue, the other member must not— 14
15
16
 - (a) be present when the panel is considering whether to give a direction under subsection (3) about the first member; or 17
18
19
 - (b) take part in making the decision about giving the direction. 20
21
- (6) A disclosure under subsection (2) must be recorded in the report prepared under section 246DC(1) by the panel about the review to which the relevant matter relates. 22
23
24
25

246HL Annual report about review panels 26

Within 3 months after the end of each financial year, the chief executive must prepare, and give to the Minister, a report about— 27
28
29

- (a) the operations of review panels under this chapter during the financial year; and 30
31
- (b) actions taken during the financial year in response to reports given to the chief 1
2

	executive under section 246DC.	3
Clause 38	Omission of ss 248 and 248A	4
	Sections 248 and 248A—	5
	<i>omit.</i>	6
Clause 39	Insertion of new ch 9, pt 9	7
	Chapter 9—	8
	<i>insert—</i>	9
	Part 9	10
	Transitional provision	11
	for Child Protection	12
	Reform Amendment	13
	Act 2014	14
	271 Uncompleted child death case reviews	15
	(1) This section applies to a review started by the	16
	chief executive under chapter 7A before the	17
	commencement day if, immediately before the	18
	commencement day—	19
	(a) the chief executive had not yet given a copy	20
	of a report about the review to the CDCRC	21
	under previous section 246D(2); or	22
	(b) the chief executive had given a copy of a	23
	report about the review to the CDCRC under	24
	previous section 246D(2) but the CDCRC	25
	had not completed its review of the chief	26
	executive’s review and given a copy of its	27
	report about its review to the chief executive	28
	under previous section 135 of the	29
	<i>Commission for Children and Young People</i>	30
	<i>and Child Guardian Act 2000.</i>	

[s 40]

- (2) The chief executive must give the report about the review and other documents required under section 246D to a review panel established or nominated by the Minister to conduct a review of the chief executive's review. 1
2
3
4
5
- (3) In this section— 6
- commencement day* means the day this section commences. 7
8
- previous* means as in force before the commencement day. 9
10

Clause 40 Amendment of sch 3 (Dictionary) 11

- (1) Schedule 3, definitions *apply for an exemption notice, apply for a prescribed notice, CDCRC, children's commissioner, Commissioner's Act, current, disqualifying offence, exemption notice, member of a person's household, member of a recognised entity, negative exemption notice, negative prescribed notice, positive exemption notice, positive prescribed notice, prescribed notice and serious offence—* 12
13
14
15
16
17
18
omit. 19
- (2) Schedule 3— 20
- insert—* 21
- application*, for an exemption notice or prescribed notice, means an application for the notice under the Working with Children Act. 22
23
24
- chief executive (employment screening)* means the chief executive of the department in which the Working with Children Act is administered. 25
26
27
- current—* 28
- 1 A prescribed notice or exemption notice is 29
current if it is in force, and is not suspended, 30
under the Working with Children Act. 31
- 2 An application for a prescribed notice or 32
exemption notice is *current* if it has been 33

made under the Working with Children Act	1
and has not been decided or withdrawn.	2
<i>disqualifying offence</i> means a disqualifying	3
offence under the Working with Children Act.	4
<i>exemption notice</i> means an exemption notice	5
under the Working with Children Act.	6
<i>member</i> —	7
1 <i>Member</i> , of a person’s household—	8
(a) includes—	9
(i) someone who lives in the person’s	10
home; and	11
(ii) an adult who, because of the	12
nature of their contact with the	13
child in need of protection and the	14
context in which that contact	15
happens, may create an	16
unacceptable level of risk to the	17
child; but	18
(b) does not include a parent of the child	19
living in the person’s home if the child	20
was placed in the care of the person	21
under section 82(1).	22
2 <i>Member</i> , of a recognised entity, includes a	23
person employed or engaged by the entity.	24
3 <i>Member</i> , for chapter 7A, part 2, means a	25
member of a review panel.	26
<i>negative exemption notice</i> means a negative	27
exemption notice under the Working with	28
Children Act.	29
<i>negative prescribed notice</i> means a negative	30
notice under the Working with Children Act.	31
<i>original review documents</i> see section	32
246D(1)(c).	33

[s 40]

<i>pool</i> , for chapter 7A, means the pool of persons appointed under chapter 7A, part 2, division 1.	1 2
<i>positive exemption notice</i> means a positive exemption notice under the Working with Children Act.	3 4 5
<i>positive prescribed notice</i> means a positive notice under the Working with Children Act.	6 7
<i>prescribed notice</i> means a prescribed notice under the Working with Children Act.	8 9
<i>registered nurse</i> means a person registered under the Health Practitioner Regulation National Law—	10 11 12
(a) to practise in the nursing and midwifery profession as a nurse, other than as a student; and	13 14 15
(b) in the registered nurses division of that profession.	16 17
<i>reportable suspicion</i> , for chapter 2, part 1AA, see section 13E(2) or 13F(2), whichever is relevant.	18 19 20
<i>review panel</i> means a Child Death Case Review Panel established under section 246HE.	21 22
<i>school</i> means—	23
(a) a State school under the <i>Education (General Provisions) Act 2006</i> ; or	24 25
(b) a school that is provisionally accredited, or accredited, under the <i>Education (Accreditation of Non-State Schools) Act 2001</i> .	26 27 28 29
<i>serious offence</i> means a serious offence under the Working with Children Act.	30 31
<i>serious physical injury</i> means—	32

[s 43]

	(4)	After consulting with the president, the chief magistrate may issue directions of general application with respect to the procedure of the court when constituted by a Childrens Court magistrate, magistrate or justices.	1 2 3 4 5
Clause 43		Insertion of new s 8A	6
		After section 8—	7
		<i>insert</i> —	8
		8A Leadership of the court	9
	(1)	The president has the function of ensuring the orderly and expeditious exercise of the jurisdiction of the court when constituted by a Childrens Court judge.	10 11 12 13
	(2)	The chief magistrate has the function of ensuring the orderly and expeditious exercise of the jurisdiction of the court when constituted by a Childrens Court magistrate, magistrate or justices.	14 15 16 17 18
Clause 44		Replacement of s 10 (Functions of president)	19
		Section 10—	20
		<i>omit, insert</i> —	21
		10 Functions of president	22
		The president has the function given by section 8A(1) and the other functions conferred on the president by this Act or any other Act.	23 24 25
Clause 45		Omission of s 14A (Term of office)	26
		Section 14A—	27
		<i>omit.</i>	28

Clause 46	Amendment of s 21 (Court sitting times)	1
	Section 21, ‘president’s directions’—	2
	<i>omit, insert</i> —	3
	directions of the president or chief magistrate under	4
	section 8	5
Clause 47	Insertion of new pt 7, div 5	6
	Part 7—	7
	<i>insert</i> —	8
	Division 5	9
	Transitional provision for	10
	Child Protection Reform	11
	Amendment Act 2014	
	38 Term of office of current Childrens Court	12
	magistrates	13
	(1) This section applies to a person holding an	14
	appointment as a Childrens Court magistrate	15
	immediately before the commencement of this	16
	section.	17
	(2) The person’s appointment continues on the same	18
	conditions until the person ceases to hold the	19
	office of Childrens Court magistrate under	20
	section 15.	21
	(3) Subsection (2) applies despite a term of	22
	appointment stated in the person’s instrument of	23
	appointment.	24
	(4) Subsection (2) does not affect the power of the	25
	Governor in Council under this Act to change the	26
	conditions of the appointment.	27

Part 4	Amendment of Commission for Children and Young People and Child Guardian Act 2000	1 2 3
Clause 48	Act amended	4
	<i>This part amends the Commission for Children and Young People and Child Guardian Act 2000.</i>	5 6
Clause 49	Amendment of long title	7
	Long title, ‘Commission for Children and Young People and Child Guardian’—	8 9
	<i>omit, insert—</i>	10
	scheme requiring the development and implementation of risk management strategies, and the screening of persons employed in particular employment or carrying on particular businesses,	11 12 13 14 15
Clause 50	Omission of ch 1, pt 1, hdg (Introduction)	16
	Chapter 1, part 1, heading—	17
	<i>omit.</i>	18
Clause 51	Replacement of s 1 (Short title)	19
	Section 1—	20
	<i>omit, insert—</i>	21
	1 Short title	22
	<i>This Act may be cited as the Working with Children (Risk Management and Screening) Act 2000.</i>	23 24
Clause 52	Replacement of ch 1, pts 2–4	25
	Chapter 1, parts 2 to 4—	26

omit, insert—

5 Object of Act

The object of this Act is to promote and protect the rights, interests and wellbeing of children and young people in Queensland through a scheme requiring—

- (a) the development and implementation of risk management strategies; and
- (b) the screening of persons employed in particular employment or carrying on particular businesses.

6 Principles for administering this Act

This Act is to be administered under the following principles—

- (a) the welfare and best interests of a child are paramount;
- (b) every child is entitled to be cared for in a way that protects the child from harm and promotes the child’s wellbeing.

7 Administration of this Act in the Public Safety Business Agency

- (1) This Act is to be administered in the Public Safety Business Agency.
- (2) A reference in this Act to the chief executive is a reference to the chief executive officer of the Public Safety Business Agency.
- (3) A reference in another Act to the chief executive of the department in which this Act is administered is a reference to the chief executive officer of the Public Safety Business Agency.
- (4) A reference in this Act to the department is a reference to the Public Safety Business Agency.

	(5)	A reference in another Act to the department in which this Act is administered is a reference to the Public Safety Business Agency.	1 2 3
8	Chief executive's main functions		4
		The chief executive's main functions under this Act are—	5 6
	(a)	to administer the scheme under chapter 8 for screening—	7 8
		(i) persons employed, or proposed to be employed, in certain child-related employment; and	9 10 11
		(ii) persons carrying on, or proposing to carry on, certain child-related businesses; and	12 13 14
	(b)	to audit or monitor compliance with that chapter.	15 16
Clause 53	Omission of chs 2–4		17
		Chapters 2 to 4—	18
		<i>omit.</i>	19
Clause 54	Omission of chs 6 and 7		20
		Chapters 6 and 7—	21
		<i>omit.</i>	22
Clause 55	Amendment of ch 8 references to 'commissioner' or 'Commissioner'		23 24
	(1)	Each provision of chapter 8 is amended by—	25
		(a) omitting 'commissioner' and inserting 'chief executive'; and	26 27

(b) omitting ‘Commissioner’ and inserting ‘Chief executive’.

(2) Subsection (1) does not apply to a reference to ‘commissioner’ where it appears in the term ‘police commissioner’ or ‘interstate police commissioner’.

Clause 56 Amendment of ch 8 references to ‘commissioner’s’

(1) Each provision of chapter 8 is amended by omitting ‘commissioner’s’ and inserting ‘chief executive’s’.

(2) Subsection (1) does not apply to a reference to ‘commissioner’s’ where it appears in the term ‘police commissioner’s’.

Clause 57 Omission of ss 154 and 155

Sections 154 and 155—

omit.

Clause 58 Amendment of s 235 (Department to be given particular advice)

(1) Section 235(1)(a), ‘a department’—

omit, insert—

another department (the *other executive*)

(2) Section 235(1)(c), ‘chief executive of the department’—

omit, insert—

other executive

(3) Section 235(2), ‘chief executive of the department that the chief executive’—

omit, insert—

other executive that the other executive

(4) Section 235(2), ‘department should’—

omit, insert— 1

other department should 2

(5) Section 235(4), ‘department’— 3

omit, insert— 4

other department 5

Clause 59 Amendment of s 293 (Department to be given particular advice) 6
7

(1) Section 293(1)(a), ‘a department’— 8

omit, insert— 9

another department (the *other executive*) 10

(2) Section 293(1)(c), ‘chief executive of the department’— 11

omit, insert— 12

other executive 13

(3) Section 293(2), ‘chief executive of the department that the
chief executive’— 14
15

omit, insert— 16

other executive that the other executive 17

(4) Section 293(2), ‘department should’— 18

omit, insert— 19

other department should 20

(5) Section 293(4), ‘department’— 21

omit, insert— 22

other department 23

**Clause 60 Amendment of s 345 (Use of information obtained under
this chapter about a person)** 24
25

Section 345(2), ‘engaged by the commission’— 26

omit, insert— 27

	employed in the department	1
Clause 61	Amendment of ch 8A references to ‘commissioner’ or ‘Commissioner’	2 3
	(1) Each provision of chapter 8A is amended by—	4
	(a) omitting ‘commissioner’ and inserting ‘chief executive’; and	5 6
	(b) omitting ‘Commissioner’ and inserting ‘Chief executive’.	7 8
	(2) Subsection (1) does not apply to a reference to ‘commissioner’ where it appears in the term ‘police commissioner’.	9 10 11
Clause 62	Amendment of ch 8A references to ‘engaged by the commission’	12 13
	Each provision of chapter 8A is amended by omitting ‘engaged by the commission’ and inserting ‘employed in the department’.	14 15 16
Clause 63	Amendment of s 357A (Purposes of ch 8A)	17
	(1) Section 357A(a), ‘engaged, or to continue to be engaged, by the commission’—	18 19
	<i>omit, insert—</i>	20
	employed, or to continue to be employed, in the department	21 22
	(2) Section 357A(b)—	23
	<i>omit.</i>	24
Clause 64	Amendment of s 357D (Person seeking to be engaged by commission must disclose criminal history)	25 26
	(1) Section 357D, heading, ‘engaged by commission’—	27
	<i>omit, insert—</i>	28

	employed in the department	1
	(2) Section 357D, ‘so engaged’—	2
	<i>omit, insert—</i>	3
	so employed	4
Clause 65	Amendment of s 357E (Person engaged by commission must disclose changes in criminal history)	5
	Section 357E, heading, ‘engaged by commission’—	6
	<i>omit, insert—</i>	7
	employed in the department	8
Clause 66	Omission of ch 8A, pt 4 (Employment screening of persons engaged, or to be engaged, in child-related duties)	9
	Chapter 8A, part 4—	10
	<i>omit.</i>	11
Clause 67	Amendment of s 357O (Application of div 1)	12
	Section 357O(2), ‘or child-related duties’—	13
	<i>omit.</i>	14
Clause 68	Amendment of s 357R (Use of information obtained under this chapter)	15
	Section 357R(3)(b), ‘commission’—	16
	<i>omit, insert—</i>	17
	department	18
		19
		20
		21
		22

Clause 69	Amendment of s 357T (Guidelines for dealing with information)	1 2
	Section 357T(3), ‘engaged, or who is engaged, by the commission’—	3 4
	<i>omit, insert</i> —	5
	employed, or who is employed, by the department	6
Clause 70	Amendment of ch 9, pt 2, hdg (QCAT to give statistical information to commissioner)	7 8
	Chapter 9, part 2, heading, ‘commissioner’—	9
	<i>omit, insert</i> —	10
	chief executive	11
Clause 71	Replacement of s 368 (QCAT’s principal registrar to give statistical information to commissioner)	12 13
	Section 368—	14
	<i>omit, insert</i> —	15
	368 QCAT’s principal registrar to give statistical information to chief executive	16 17
	(1) QCAT’s principal registrar must, from time to time, give the chief executive statistical information about—	18 19 20
	(a) the number and types of child-related employment decisions for which applications were made to QCAT for review; and	21 22 23 24
	(b) QCAT’s decisions on the applications.	25
	(2) The information must not identify the parties (other than the decision-maker) to, or other persons taking part in, a review by QCAT.	26 27 28

Clause 72	Amendment of ch 10, pt 2 references to ‘commissioner’	1
	Each provision of chapter 10, part 2 is amended by omitting ‘commissioner’ and inserting ‘chief executive’.	2 3
Clause 73	Amendment of s 374 (Commissioner must keep record)	4
	Section 374, heading, ‘Commissioner’—	5
	<i>omit, insert—</i>	6
	Chief executive	7
Clause 74	Replacement of s 376 (Evidentiary provisions)	8
	Section 376—	9
	<i>omit, insert—</i>	10
	376 Evidentiary provisions	11
	(1) This section applies to a proceeding under or in relation to this Act.	12 13
	(2) A signature purporting to be the signature of the chief executive is evidence of the signature it purports to be.	14 15 16
	(3) A certificate purporting to be signed by the chief executive stating any of the following matters is evidence of the matter—	17 18 19
	(a) a stated document is a copy of a notice given or issued under this Act;	20 21
	(b) on a stated day, a stated person was given a stated notice under this Act.	22 23
Clause 75	Amendment of s 377 (Indictable and summary offences)	24
	Section 377(2)—	25
	<i>omit.</i>	26

Clause 76	Omission of s 382 (Allegations of false or misleading information or statements)	1
		2
	Section 382—	3
	<i>omit.</i>	4
Clause 77	Amendment of s 384 (Confidentiality of information about criminal history or related information)	5
		6
	(1) Section 384(1)(a) and (2)(a), after ‘has been,’—	7
	<i>insert—</i>	8
	a public service employee employed in the	9
	department,	10
	(2) Section 384(1)(b), after ‘applied by’—	11
	<i>insert—</i>	12
	previous	13
	(3) Section 384(5)(a) to (d)—	14
	<i>omit, insert—</i>	15
	(a) if subsection (1) applies—	16
	(i) to a public service employee employed	17
	in the department for the purpose of an	18
	employment-screening decision; or	19
	(ii) for a document about a staff	20
	member—to a public service employee	21
	employed in the department or	22
	selection panel member for the purpose	23
	of assessing the person’s suitability to	24
	be, or continue to be, a staff member;	25
	or	26
	(b) if subsection (2) applies—to a public service	27
	employee employed in the department or	28
	selection panel member for the purpose of	29
	assessing the person’s suitability to be, or	30
	continue to be, a staff member; or	31

- (c) if subsection (3)(a) applies—to a public service employee employed in the department or a member of the Minister’s staff for the purpose of obtaining advice relating to the information; or
- (d) if subsection (3)(b) applies—to the Minister, a public service employee employed in the department or a member of the Minister’s staff for the purpose of providing advice to the Minister relating to the information; or
- (4) Section 384(6)—
insert—
assistant commissioner means the assistant commissioner under this Act before the commencement of this definition.
commission means the Commission for Children and Young People and Child Guardian under this Act before the commencement of this definition.
commissioner means the Commissioner for Children and Young People and Child Guardian under this Act before the commencement of this definition.
previous section 36 means section 36 as in force from time to time before the commencement of this definition.
- (5) Section 384(6), definition *selection panel member*, after ‘recommendation to’—
insert—
the chief executive or
- (6) Section 384(6), definition *staff member*, after ‘means’—
insert—
a public service employee employed in the department
or

Clause 78	Amendment of s 385 (Confidentiality of other information)	1 2
(1)	Section 385(3)(d)— <i>omit, insert—</i>	3 4
	(d) a public service employee employed in the department; or	5 6
(2)	Section 385(4)(e)(iii), ‘is, or has been,’— <i>omit, insert—</i>	7 8
	has been	9
(3)	Section 385(4)— <i>insert—</i>	10 11
	(f) for a purpose directly related to a child’s protection or welfare.	12 13
(4)	Section 385(5)(a), ‘the commissioner, a member of the commission’s staff, a public service officer of the department’— <i>omit, insert—</i>	14 15 16 17
	a public service employee employed in the department	18
(5)	Section 385— <i>insert—</i>	19 20
	(6) In this section—	21
	<i>advisory committee</i> means an advisory committee established under this Act before the commencement of this definition.	22 23 24
	<i>assistant commissioner</i> means the assistant commissioner under this Act before the commencement of this definition.	25 26 27
	<i>commission</i> means the Commission for Children and Young People and Child Guardian under this Act before the commencement of this definition.	28 29 30

	<i>commissioner</i> means the Commissioner for Children and Young People and Child Guardian under this Act before the commencement of this definition.	1 2 3 4
Clause 79	Omission of s 386 (Disclosure of information about investigations) Section 386— <i>omit.</i>	5 6 7 8
Clause 80	Omission of ch 10, pt 5 (Reprisals) Chapter 10, part 5— <i>omit.</i>	9 10 11
Clause 81	Amendment of s 393 (Protection from liability) Section 393(3), definition <i>official</i> , paragraphs (b) to (f)— <i>omit, insert—</i> (b) a public service employee employed in the department.	12 13 14 15 16
Clause 82	Omission of s 394 (Whistleblowers' protection) Section 394— <i>omit.</i>	17 18 19
Clause 83	Amendment of s 395 (Other reports by commissioner) (1) Section 395, heading— <i>omit, insert—</i> 395 Reports by chief executive (2) Section 395, 'commissioner'— <i>omit, insert—</i>	20 21 22 23 24 25

	chief executive	1
(3)	Section 395(1), ‘commissioner’s’—	2
	<i>omit, insert—</i>	3
	chief executive’s	4
(4)	Section 395—	5
	<i>insert—</i>	6
	(4) The chief executive must ensure the department’s annual report under the <i>Financial Accountability Act 2009</i> for a financial year includes information about the number of times the Minister asked the chief executive for a report under this section during the year.	7 8 9 10 11 12
Clause 84	Omission of s 396 (Annual report by commission)	13
	Section 396—	14
	<i>omit.</i>	15
Clause 85	Amendment of s 397 (Commissioner may enter into arrangement about giving and receiving information with police commissioner)	16 17 18
(1)	Section 397, heading, ‘Commissioner may’—	19
	<i>omit, insert—</i>	20
	Chief executive may	21
(2)	Section 397(1), ‘the commissioner’—	22
	<i>omit, insert—</i>	23
	the chief executive	24
(3)	Section 397(2), ‘The commissioner’—	25
	<i>omit, insert—</i>	26
	The chief executive	27

Clause 86	Amendment of s 398 (Commissioner may enter into arrangement with chief executive (child safety))	1 2
	(1) Section 398, heading, ‘Commissioner’—	3
	<i>omit, insert—</i>	4
	Chief executive	5
	(2) Section 398(1) and (2), ‘commissioner’—	6
	<i>omit, insert—</i>	7
	chief executive	8
Clause 87	Replacement of s 399 (Delegation by commissioner or assistant commissioner)	9 10
	Section 399—	11
	<i>omit, insert—</i>	12
	399 Delegation by chief executive	13
	(1) The chief executive may delegate the chief executive’s functions under this or another Act to—	14 15 16
	(a) an appropriately qualified public service employee employed in the department; or	17 18
	(b) another individual who the chief executive considers is an appropriately qualified person to exercise the functions delegated to the person.	19 20 21 22
	(2) In this section—	23
	<i>functions</i> includes powers.	24
Clause 88	Amendment of s 400 (Approved forms)	25
	Section 400, ‘commissioner’—	26
	<i>omit, insert—</i>	27
	chief executive	28

Clause 89	Amendment of s 401 (Regulation-making power)	1
	Section 401(3), ‘commissioner’—	2
	<i>omit, insert—</i>	3
	chief executive	4
Clause 90	Insertion of new ch 11, pt 17	5
	Chapter 11—	6
	<i>insert—</i>	7
	Part 17	8
	Transitional provisions	9
	for Child Protection	10
	Reform Amendment	11
	Act 2014	12
	541 Definitions for pt 17	13
	In this part—	14
	<i>commencement</i> means the time of	15
	commencement of the provision in which the	16
	term appears.	17
	<i>current</i> see section 542.	18
	<i>former</i> , in relation to a provision of this Act,	19
	means as in force before the commencement.	20
	<i>former assistant commissioner</i> means the	21
	assistant commissioner under this Act before the	22
	commencement.	23
	<i>former commission</i> means the Commission for	24
	Children and Young People and Child Guardian	25
	under this Act before the commencement.	26
	<i>former commissioner</i> means the Commissioner	27
	for Children and Young People and Child	28
	Guardian under this Act before the	29
	commencement.	30

542 Meaning of <i>current</i>	1
For this part, a thing is <i>current</i> if, immediately before the commencement—	2 3
(a) for an application—it had not been finally dealt with; or	4 5
(b) for a notice or other document or a decision—it was in force or had effect; or	6 7
(c) for a requirement or request—it had not been complied with.	8 9
543 Office holders and entities under former provisions	10 11
(1) On the commencement—	12
(a) the former commission is abolished; and	13
(b) a person holding office as the former commissioner or former assistant commissioner goes out of office; and	14 15 16
(c) the Child Death Case Review Committee under former chapter 6 is abolished and its members go out of office; and	17 18 19
(d) each advisory committee under former chapter 7 is abolished.	20 21
(2) A legal proceeding that, immediately before the commencement, was being taken or may have been taken by or against a former entity may be continued or taken by or against the State.	22 23 24 25
(3) If, immediately before the commencement, a former entity was a party to a current contract, then the State is taken to be a party to the contract in place of the former entity.	26 27 28 29
(4) A regulation may prescribe an entity to be the party acting for the State for a legal proceeding or contract to which subsection (2) or (3) applies.	30 31 32

-
- (5) In this section— 1
former entity means the former commission, 2
former commissioner or former assistant 3
commissioner. 4
- 544 Complaints under former ch 4** 5
The *Ombudsman Act 2001*, part 12, division 3 6
includes provision about particular complaints made 7
to the former commissioner under former chapter 4. 8
- 545 Child death case reviews under former ch 6** 9
The *Child Protection Act 1999*, chapter 9, part 9 10
includes provision about particular child death case 11
reviews under former chapter 6. 12
- 546 Screening under ch 8 or 8A** 13
- (1) Unless the context otherwise requires, anything 14
done by or in relation to the former commissioner 15
under former chapter 8 or 8A before the 16
commencement is taken to have been done by or 17
in relation to the chief executive. 18
- (2) Without limiting subsection (1)— 19
- (a) a current application made to the former 20
commissioner under former chapter 8 or 8A 21
is taken to have been made to the chief 22
executive; and 23
- (b) a current decision of the former 24
commissioner under former chapter 8 or 8A 25
is taken to be a decision of the chief 26
executive; and 27
- (c) a current notice or other document issued or 28
given to a person by the former 29
commissioner under former chapter 8 or 8A 30

- is taken to have been issued or given to the person by the chief executive; and
- (d) a current notice or other document given by a person to the former commissioner under former chapter 8 or 8A is taken to have been given by the person to the chief executive; and
- (e) a current requirement or request under former chapter 8 or 8A for a person to give information or a document or other thing to the former commissioner is taken to be a requirement or request to give the information, document or thing to the chief executive; and
- (f) a current requirement under former chapter 8 or 8A for the former commissioner to give a document or other thing to a person is taken to be a requirement for the chief executive to give the document or thing to the person.

547 Current proceedings relating to ch 8 or 8A

- (1) This section applies to a legal proceeding about anything done under chapter 8 or 8A that, immediately before the commencement, was being taken or may have been taken by or against the former commissioner.
- (2) On the commencement, the proceeding may be continued or taken by or against the chief executive.

548 Transitional regulation-making power

- (1) A regulation (a *transitional regulation*) may make provision of a saving or transitional nature about any matter—

	(a) for which it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the pre-amended Act to the post-amended Act; and	1 2 3 4
	(b) for which this Act does not make provision or sufficient provision.	5 6
	(2) A transitional regulation may have retrospective operation to a day that is not earlier than the commencement.	7 8 9
	(3) A transitional regulation must declare it is a transitional regulation.	10 11
	(4) This section and any transitional regulation expire 6 months after the commencement.	12 13
	(5) In this section—	14
	<i>post-amended Act</i> means this Act as in force from the commencement.	15 16
	<i>pre-amended Act</i> means this Act as in force immediately before the commencement.	17 18
Clause 91	Amendment of sch 1 (Regulated employment and businesses for employment screening)	19 20
	Schedule 1, section 21(1)(b), ‘government service provider’—	21
	<i>omit, insert—</i>	22
	government entity or a local government	23
Clause 92	Amendment of sch 7 (Dictionary)	24
	(1) Schedule 7, definitions <i>advisory committee, advocacy entity, appointed members, assistant commissioner, CDCRC, CDCRC member, child guardian functions, child-related duties, child safety system, commission, commissioner, complaints agency, detention centre, government service provider, in the child safety system, licensee, monitoring functions, notice for information, obstruct, original reviews,</i>	25 26 27 28 29 30 31

[s 93]

<i>policies, private service provider, relevant provider, relevant service providers, review criteria, service provider, State Coroner, unit of public administration and woman—</i>	1
<i>omit.</i>	2
(2) Schedule 7—	3
<i>insert—</i>	4
<i>chief executive</i> has the meaning given by section 7(2).	5
<i>department</i> has the meaning given by section 7(4).	6
<i>Public Safety Business Agency</i> means the Public Safety Business Agency established under the <i>Public Safety Business Agency Act 2014</i> .	7
(3) Schedule 7, definition <i>commencement—</i>	8
<i>insert—</i>	9
(g) for chapter 11, part 17—see section 541.	10

Part 5	Amendment of Magistrates Act 1991	17
		18

Clause 93	Act amended	19
	This part amends the <i>Magistrates Act 1991</i> .	20

Clause 94	Amendment of s 12 (Functions of Chief Magistrate)	21
(1) Section 12(1)—		22
<i>insert—</i>		23
<i>Note—</i>		24
	See also the <i>Childrens Court Act 1992</i> , section 8A(2).	25

-
- (2) Section 12(2), after ‘this Act’— 1
insert— 2
and the *Childrens Court Act 1992* 3
- (3) Section 12(2), after ‘Magistrates Courts,’— 4
insert— 5
and of the Childrens Court when constituted by a 6
Childrens Court magistrate, magistrate or justices, 7
- (4) Section 12(2)— 8
insert— 9
- (aa) deciding, for the *Childrens Court Act 1992*, 10
section 5(3)(b) or (c), the magistrates or 11
justices who are to constitute the Childrens 12
Court at particular places and times under 13
that Act; and 14
- (ba) under the *Childrens Court Act 1992*, section 15
8(4), issuing directions about the procedure 16
of the Childrens Court when constituted by 17
a Childrens Court magistrate, magistrate or 18
justices; and 19
- (5) Section 12(3)— 20
omit. 21

Part 6 **Amendment of Ombudsman** 22
Act 2001 23

- Clause 95** **Act amended** 24
This part amends the *Ombudsman Act 2001*. 25

[s 96]

Clause 96	Replacement of s 57B (Report may be given to CDCRC)	1
	Section 57B—	2
	<i>omit, insert—</i>	3
	57B Particular reports may be given to chief executive (child safety)	4
		5
	(1) If a report prepared by the ombudsman under this part relates to the death or serious physical injury of a child, the ombudsman may give a copy of the report to the chief executive (child safety).	6
		7
		8
		9
	(2) Subsection (1) applies despite any other provision of this Act.	10
		11
	(3) In this section—	12
	<i>chief executive (child safety)</i> means the chief executive of the department in which the <i>Child Protection Act 1999</i> is administered.	13
		14
		15
	<i>serious physical injury</i> see the <i>Child Protection Act 1999</i> , schedule 3.	16
		17
Clause 97	Replacement of s 86 (Delegation)	18
	Section 86—	19
	<i>omit, insert—</i>	20
	86 Delegation	21
	(1) The ombudsman may delegate the ombudsman’s functions under this Act to an appropriately qualified officer of the ombudsman.	22
		23
		24
	(2) In this section—	25
	<i>functions</i> includes powers.	26
Clause 98	Insertion of new pt 12, div 3	27
	Part 12—	28
	<i>insert—</i>	29

Division 3	Provisions for Child Protection Reform Amendment Act 2014	1
		2
		3
105 Definitions for div 3		4
In this division—		5
<i>CCYPCG Act</i> means the <i>Commissioner for Children and Young People and Child Guardian Act 2000</i> as in force before the commencement.		6 7 8
<i>commencement</i> means the time of commencement of the provision in which the term appears.		9 10 11
<i>former commissioner</i> means the Commissioner for Children and Young People and Child Guardian under the <i>CCYPCG Act</i> before the commencement.		12 13 14 15
106 Complaints made to former commissioner		16
(1) This section applies in relation to a complaint made to the former commissioner under the <i>CCYPCG Act</i> that, immediately before the commencement, had not been finally dealt with under that Act.		17 18 19 20 21
(2) The ombudsman must deal with the complaint as if it had been made to the ombudsman under this Act.		22 23 24
(3) Subsection (2) does not limit the way the ombudsman may deal with the complaint under section 23.		25 26 27

[s 98]

107 Complaints made in former commissioner's own name	1 2
(1) This section applies in relation to a complaint made by the former commissioner under the CCYPCG Act, section 59 that, immediately before the commencement, had not been finally dealt with under that Act.	3 4 5 6 7
(2) The ombudsman may investigate the matter of the complaint under section 18(1)(b).	8 9
108 Complaints documents	10
(1) This section applies in relation to a complaint to which section 106 or 107 applies.	11 12
(2) On the commencement, any documents and other information held by the former commissioner relating to the complaint become documents and other information held by the ombudsman under this Act.	13 14 15 16 17
109 Current requirements under CCYPCG Act, ch 4	18
(1) This section applies if the former commissioner made a requirement or request under the CCYPCG Act, chapter 4 that, immediately before the commencement, had not been complied with.	19 20 21 22 23
(2) On the commencement, the requirement or request lapses.	24 25
110 Delegation of power to make a report or recommendation	26 27
To remove any doubt, it is declared that, under section 86, the ombudsman may delegate the ombudsman's power to make a report or recommendation about a matter arising before the commencement.	28 29 30 31

Clause 99	Amendment of sch 3 (Dictionary)	1
	Schedule 3, definition <i>complaints entity</i> , examples, first dot point—	2
		3
	<i>omit.</i>	4
 Part 7		
	Amendment of Public Health Act 2005	5
		6
Clause 100	Act amended	7
	This part amends the <i>Public Health Act 2005</i> .	8
Clause 101	Amendment of s 7 (How object is mainly achieved)	9
	Section 7(d), from ‘providing’ to ‘neglect, and’—	10
	<i>omit.</i>	11
Clause 102	Amendment of s 186 (Relationship with Child Protection Act 1999)	12
	Section 186(2)—	13
		14
	<i>omit, insert—</i>	15
	(2) The <i>Child Protection Act 1999</i> imposes an obligation on professionals about reporting suspected child harm caused by physical or sexual abuse and includes related provisions about protection from liability for giving information and protecting the identity of persons notifying harm.	16
		17
		18
		19
		20
		21
		22
	<i>Note—</i>	23
	See the <i>Child Protection Act 1999</i> , chapter 2, part 1AA, division 2 and sections 186 and 197A.	24
		25

[s 103]

Clause 103	Omission of ch 5, pt 3, div 5 (Notification of child abuse and neglect)	1
		2
	Chapter 5, part 3, division 5—	3
	<i>omit.</i>	4
Clause 104	Amendment of s 198 (Designated medical officer must notify person in charge of facility where child held)	5
		6
	Section 198(4)(c)—	7
	<i>omit, insert—</i>	8
	(c) the name, address and telephone number of the designated medical officer; and	9
		10
	(ca) if a professional has given a report under the <i>Child Protection Act 1999</i> , chapter 2, part 1AA, division 2—the name, address and telephone number of the professional, to the extent the designated medical officer has those details; and	11
		12
		13
		14
		15
		16

Part 8 Consequential amendments 17

Clause 105	Acts amended in sch 1	18
	Schedule 1 amends the Acts it mentions.	19

Schedule 1	Amendment of particular Acts	1
	section 105	2
Adoption Act 2009		3
1	Section 235(3)(d)—	4
	<i>omit, insert—</i>	5
	(d) the court considers the child may be a child	6
	in need of protection under the <i>Child</i>	7
	<i>Protection Act 1999</i> , section 10.	8
2	Schedule 3, definitions <i>Commission for Children Act</i> and	9
	<i>serious offence—</i>	10
	<i>omit.</i>	11
3	Schedule 3—	12
	<i>insert—</i>	13
	<i>serious offence</i> see the <i>Working with Children</i>	14
	<i>(Risk Management and Screening) Act 2000.</i>	15
	section 167.	16
4	Schedule 3, definition <i>disqualification order</i>, paragraph	17
	(a), ‘<i>Commission for Children Act</i>’—	18
	<i>omit, insert—</i>	19
	<i>Working with Children (Risk Management and</i>	20
	<i>Screening) Act 2000</i>	21
5	Schedule 3, definition <i>disqualifying offence</i>,	22
	‘<i>Commission for Children Act</i>’—	23
	<i>omit, insert—</i>	24

	<i>Working with Children (Risk Management and Screening) Act 2000</i>	1 2
	Child Protection (Offender Prohibition Order) Act 2008	3
1	Section 25(3), ‘children’s commissioner’— <i>omit, insert—</i> chief executive (employment screening)	4 5 6
2	Section 28(4), ‘children’s commissioner’— <i>omit, insert—</i> chief executive (employment screening)	7 8 9
3	Section 44(6), definition <i>relevant Act</i>, paragraph (d)— <i>omit, insert—</i> (d) for the chief executive (employment screening)—the Working with Children Act.	10 11 12 13
4	Schedule, definitions <i>children’s commissioner</i>, <i>exemption notice</i>, <i>positive exemption notice</i>, <i>positive notice</i>, <i>positive notice blue card</i> and <i>prescribed notice—</i> <i>omit.</i>	14 15 16 17
5	Schedule— <i>insert—</i> <i>chief executive (employment screening)</i> means the chief executive of the department in which the Working with Children Act is administered. <i>exemption notice</i> means an exemption notice under the Working with Children Act.	18 19 20 21 22 23 24

	<i>positive exemption notice</i> means a positive exemption notice under the Working with Children Act.	1 2 3
	<i>positive notice</i> means a positive notice under the Working with Children Act.	4 5
	<i>positive notice blue card</i> means a positive notice blue card under the Working with Children Act.	6 7
	<i>prescribed notice</i> means a prescribed notice under the Working with Children Act.	8 9
	<i>Working with Children Act</i> means the <i>Working with Children (Risk Management and Screening) Act 2000</i> .	10 11 12
6	Schedule, definition <i>prescribed entity</i>, paragraph (d)— <i>omit, insert—</i> (d) the chief executive (employment screening).	13 14 15
	Child Protection (Offender Reporting) Act 2004	16
1	Section 43— <i>omit.</i>	17 18
	Community Services Act 2007	19
1	Section 144(2), note, paragraph (a), ‘<i>Commission for Children and Young People and Child Guardian Act 2000</i>’— <i>omit, insert—</i> <i>Working with Children (Risk Management and Screening) Act 2000</i>	20 21 22 23 24 25

Coroners Act 2003	1
1 Section 71(7)(b)—	2
<i>omit.</i>	3
Disability Services Act 2006	4
1 Section 76A, note, ‘CCYPCG Act’—	5
<i>omit, insert—</i>	6
Working with Children Act	7
2 Section 82A(1), note, ‘CCYPCG Act’—	8
<i>omit, insert—</i>	9
Working with Children Act	10
3 Section 82A, ‘CCYPCG positive notice’—	11
<i>omit, insert—</i>	12
WWC positive notice	13
4 Section 82B, ‘CCYPCG positive notice’—	14
<i>omit, insert—</i>	15
WWC positive notice	16
5 Section 89A, ‘CCYPCG positive notice’—	17
<i>omit, insert—</i>	18
WWC positive notice	19

6	Section 89A(3)(c)(ii), ‘CCYPCG Act’—	1
	<i>omit, insert—</i>	2
	Working with Children Act	3
7	Section 89C(3), ‘CCYPCG Act’—	4
	<i>omit, insert—</i>	5
	Working with Children Act	6
8	Section 89C(3), ‘CCYPCG positive notice’—	7
	<i>omit, insert—</i>	8
	WWC positive notice	9
9	Section 89D, heading, ‘Commissioner for Children and Young People and Child Guardian’—	10
	<i>omit, insert—</i>	11
	chief executive (employment screening)	13
10	Section 89D, ‘CCYPCG positive notice’—	14
	<i>omit, insert—</i>	15
	WWC positive notice	16
11	Section 89D(2), (4), (5)(a) and (6), ‘children’s commissioner’—	17
	<i>omit, insert—</i>	18
	chief executive (employment screening)	20
12	Section 89D(5)(a), ‘the commissioner’—	21
	<i>omit, insert—</i>	22
	the chief executive (employment screening)	23

Schedule 1

13	Section 89D(2)(b), ‘CCYPCG Act’—	1
	<i>omit, insert—</i>	2
	Working with Children Act	3
14	Section 89D(7), definition <i>children’s commissioner</i>—	4
	<i>omit, insert—</i>	5
	<i>chief executive (employment screening)</i> means	6
	the chief executive of the department in which	7
	the Working with Children Act is administered.	8
15	Section 89F(2), ‘CCYPCG positive notice’—	9
	<i>omit, insert—</i>	10
	WWC positive notice	11
16	Section 90C(1)(b), ‘CCYPCG Act’—	12
	<i>omit, insert—</i>	13
	Working with Children Act	14
17	Section 90C(1)(b), ‘CCYPCG positive notice’—	15
	<i>omit, insert—</i>	16
	WWC positive notice	17
18	Section 105A, ‘CCYPCG positive notice’—	18
	<i>omit, insert—</i>	19
	WWC positive notice	20
19	Section 105A(1)(b), ‘CCYPCG Act’—	21
	<i>omit, insert—</i>	22
	Working with Children Act	23

20	Section 105B(2)(b) and (9), ‘CCYPCG positive notice’—	1
	<i>omit, insert—</i>	2
	WWC positive notice	3
21	Section 105B(2)(b) and (9), ‘CCYPCG Act’—	4
	<i>omit, insert—</i>	5
	Working with Children Act	6
22	Section 105C, ‘CCYPCG positive notice’—	7
	<i>omit, insert—</i>	8
	WWC positive notice	9
23	Section 105C(1)(b), ‘CCYPCG Act’—	10
	<i>omit, insert—</i>	11
	Working with Children Act	12
24	Part 10, division 6A, heading, ‘CCYPCG positive notice’—	13
	<i>omit, insert—</i>	14
	WWC positive notice	15
25	Section 107B, ‘CCYPCG positive notice’—	16
	<i>omit, insert—</i>	17
	WWC positive notice	18
26	Section 107C, ‘CCYPCG positive notice’—	19
	<i>omit, insert—</i>	20
	WWC positive notice	21

Schedule 1

27	Section 108, definition <i>part 10 reviewable decision</i>, ‘CCYPCG positive notice’—	1
	<i>omit, insert—</i>	2
	WWC positive notice	3
		4
28	Section 108, definition <i>part 10 reviewable decision</i>, paragraph (c), ‘CCYPCG Act’—	5
	<i>omit, insert—</i>	6
	Working with Children Act	7
		8
29	Section 117(5A)(a), ‘CCYPCG positive notice’—	9
	<i>omit, insert—</i>	10
	WWC positive notice	11
		11
30	Section 117(5A)(a), ‘CCYPCG Act’—	12
	<i>omit, insert—</i>	13
	Working with Children Act	14
		14
31	Section 256, note, paragraph (b), ‘CCYPCG Act’—	15
	<i>omit, insert—</i>	16
	Working with Children Act	17
		17
32	Schedule 7, definitions <i>CCYPCG Act</i>, <i>CCYPCG positive notice</i> and <i>Commissioner for Children and Young People and Child Guardian</i>—	18
	<i>omit.</i>	19
		20
		21
33	Schedule 7—	22
	<i>insert—</i>	23
		23

	<i>Working with Children Act</i> means the <i>Working with Children (Risk Management and Screening) Act 2000</i> .	1 2 3
	<i>WWC positive notice</i> means a positive notice issued under the Working with Children Act.	4 5
	Education (Accreditation of Non-State Schools) Act 2001	6 7
1	Section 15, ‘Commission for Children and Young People and Child Guardian Act 2000’—	8 9
	<i>omit, insert—</i>	10
	Working with Children Act	11
2	Section 140, ‘Commission for Children and Young People and Child Guardian Act 2000’—	12 13
	<i>omit, insert—</i>	14
	Working with Children Act	15
3	Section 146(2), ‘Commission for Children and Young People and Child Guardian Act 2000’—	16 17
	<i>omit, insert—</i>	18
	Working with Children Act	19
4	Section 168, ‘Commission for Children and Young People and Child Guardian Act 2000’—	20 21
	<i>omit, insert—</i>	22
	Working with Children Act	23

Schedule 1

5	Schedule 3, definitions <i>positive exemption notice</i> and <i>positive notice</i>, ‘<i>Commission for Children and Young People and Child Guardian Act 2000</i>’—	1 2 3
	<i>omit, insert—</i>	4
	Working with Children Act	5
6	Schedule 3—	6
	<i>insert—</i>	7
	<i>Working with Children Act</i> means the <i>Working with Children (Risk Management and Screening) Act 2000</i> .	8 9 10
	Education and Care Services Act 2013	11
1	Section 15(1), note, ‘<i>Commissioner’s Act</i>’—	12
	<i>omit, insert—</i>	13
	Working with Children Act	14
2	Section 25(g), ‘<i>Commissioner’s Act</i>’—	15
	<i>omit, insert—</i>	16
	Working with Children Act	17
3	Section 39, ‘<i>Commissioner’s Act</i>’—	18
	<i>omit, insert—</i>	19
	Working with Children Act	20
4	Part 3, division 7, heading, ‘<i>children’s commissioner</i>’—	21
	<i>omit, insert—</i>	22
	chief executive (employment screening)	23

5	Section 91, ‘children’s commissioner’—	1
	<i>omit, insert—</i>	2
	chief executive (employment screening)	3
6	Section 91, ‘Commissioner’s Act’—	4
	<i>omit, insert—</i>	5
	Working with Children Act	6
7	Section 191, ‘children’s commissioner’—	7
	<i>omit, insert—</i>	8
	chief executive (employment screening)	9
8	Section 200, heading, ‘children’s commissioner’—	10
	<i>omit, insert—</i>	11
	chief executive (employment screening)	12
9	Section 200(1), ‘children’s commissioner’—	13
	<i>omit, insert—</i>	14
	chief executive (employment screening)	15
10	Section 200(2), (3) and (5), ‘commissioner’—	16
	<i>omit, insert—</i>	17
	chief executive (employment screening)	18
11	Section 200(3)(b), ‘commissioner’s’—	19
	<i>omit.</i>	20
12	Section 200(4)(c), ‘Commissioner’s Act’—	21
	<i>omit, insert—</i>	22

	Working with Children Act	1
13	Part 10, division 1, heading, ‘Commission for Children and Young People and Child Guardian Act 2000’—	2 3
	<i>omit, insert—</i>	4
	Working with Children (Risk Management and Screening) Act 2000	5 6
14	Section 237(1), ‘Commissioner’s Act’—	7
	<i>omit, insert—</i>	8
	Working with Children Act	9
15	Section 239, ‘Commissioner’s Act’—	10
	<i>omit, insert—</i>	11
	Working with Children Act	12
16	Section 239(2), note, ‘children’s commissioner’—	13
	<i>omit, insert—</i>	14
	chief executive (employment screening)	15
17	Schedule 1, definitions <i>apply for an exemption notice, apply for a prescribed notice, children’s commissioner, Commissioner’s Act, exemption notice, negative exemption notice, negative notice, positive exemption notice, positive notice and prescribed notice—</i>	16 17 18 19 20
	<i>omit.</i>	21
18	Schedule 1—	22
	<i>insert—</i>	23
	<i>apply for an exemption notice</i> means apply for an exemption notice under the Working with Children Act.	24 25 26

<i>apply for a prescribed notice</i> means apply for a prescribed notice under the Working with Children Act.	1 2 3
<i>chief executive (employment screening)</i> means the chief executive of the department in which the Working with Children Act is administered.	4 5 6
<i>exemption notice</i> means an exemption notice under the Working with Children Act.	7 8
<i>negative exemption notice</i> means a negative exemption notice under the Working with Children Act.	9 10 11
<i>negative notice</i> means a negative notice under the Working with Children Act.	12 13
<i>positive exemption notice</i> means a positive exemption notice under the Working with Children Act.	14 15 16
<i>positive notice</i> means a positive notice under the Working with Children Act.	17 18
<i>prescribed notice</i> means a prescribed notice under the Working with Children Act.	19 20
<i>Working with Children Act</i> means the <i>Working with Children (Risk Management and Screening) Act 2000</i> .	21 22 23
Education and Care Services National Law (Queensland) Act 2011	24 25
1 Section 16, ‘Commission for Children and Young People and Child Guardian Act 2000’—	26 27
<i>omit, insert—</i>	28
<i>Working with Children (Risk Management and Screening) Act 2000</i>	29 30

2	Part 3, heading, ‘Commissioner’s Act’—	1
	<i>omit, insert—</i>	2
	Working with Children Act	3
3	Section 19—	4
	<i>omit, insert—</i>	5
	19 Definitions for pt 3	6
	In this part—	7
	<i>chief executive (employment screening)</i> means	8
	the chief executive of the department in which	9
	the Working with Children Act is administered.	10
	<i>exemption notice</i> means an exemption notice	11
	under the Working with Children Act.	12
	<i>prescribed notice</i> means a prescribed notice	13
	under the Working with Children Act.	14
	<i>Working with Children Act</i> means the <i>Working</i>	15
	<i>with Children (Risk Management and Screening)</i>	16
	<i>Act 2000.</i>	17
4	Section 20, ‘Commissioner’s Act’—	18
	<i>omit, insert—</i>	19
	Working with Children Act	20
5	Section 20, ‘children’s commissioner’—	21
	<i>omit, insert—</i>	22
	chief executive (employment screening)	23
6	Section 21, ‘Commissioner’s Act’—	24
	<i>omit, insert—</i>	25
	Working with Children Act	26

7	Section 21, ‘children’s commissioner’—	1
	<i>omit, insert—</i>	2
	chief executive (employment screening)	3
8	Section 22, ‘children’s commissioner’—	4
	<i>omit, insert—</i>	5
	chief executive (employment screening)	6
9	Section 22(4), ‘Commissioner’s Act’—	7
	<i>omit, insert—</i>	8
	Working with Children Act	9
10	Part 3, division 3, heading, ‘Commissioner’s Act’—	10
	<i>omit, insert—</i>	11
	Working with Children Act	12
11	Section 25, ‘Commissioner’s Act’—	13
	<i>omit, insert—</i>	14
	Working with Children Act	15
12	Section 26, ‘Commissioner’s Act’—	16
	<i>omit, insert—</i>	17
	Working with Children Act	18
	Education (General Provisions) Act 2006	19
1	Schedule 4, definition <i>serious offence</i>—	20
	<i>omit, insert—</i>	21

serious offence see the *Working with Children (Risk Management and Screening) Act 2000*, section 167. 1
2
3

Education (Queensland College of Teachers) Act 2005 4

1 Section 14(2)(c), ‘Commissioner’s Act’— 5
omit, insert— 6

Working with Children Act 7

2 Section 14(2)(c)(i)(A), ‘CCYPCG fee’— 8
omit, insert— 9

employment-screening fee 10

3 Section 14(7)— 11
omit, insert— 12

(7) Subsection (8) applies if— 13

(a) the person is the holder of a positive notice under the Working with Children Act; and 14
15

(b) the application was accompanied by the employment-screening fee and not the criminal history check fee; and 16
17
18

(c) before the application is decided, the college— 19
20

(i) is given advice by the chief executive (employment screening) under section 15D(2)(c); or 21
22
23

(ii) otherwise becomes aware there is police information about the person. 24
25

4	Section 14(10), definition <i>CCYPCG fee</i>—	1
	<i>omit, insert—</i>	2
	<i>employment-screening fee</i> means the fee	3
	prescribed by regulation under the Working with	4
	Children Act for obtaining information from the	5
	chief executive (employment screening) under	6
	section 15D.	7
5	Section 15(9)(a)(i), ‘Commissioner’s Act’—	8
	<i>omit, insert—</i>	9
	Working with Children Act	10
6	Section 15D, ‘children’s commissioner’—	11
	<i>omit, insert—</i>	12
	chief executive (employment screening)	13
7	Section 15D(1) and (2), ‘Commissioner’s Act’—	14
	<i>omit, insert—</i>	15
	Working with Children Act	16
8	Section 15D(5)(a), ‘the commissioner’—	17
	<i>omit, insert—</i>	18
	he or she	19
9	Section 285, ‘children’s commissioner’—	20
	<i>omit, insert—</i>	21
	chief executive (employment screening)	22
10	Section 285(1)(b), (4)(b) and (5)(c), ‘Commissioner’s Act’—	23
	<i>omit, insert—</i>	24
	<i>omit, insert—</i>	25

	Working with Children Act	1
11	Section 285(7), ‘the commissioner’—	2
	<i>omit, insert—</i>	3
	the chief executive (employment screening)	4
12	Section 285A, ‘children’s commissioner’—	5
	<i>omit, insert—</i>	6
	chief executive (employment screening)	7
13	Section 285A(1)(b) and (3)(g), ‘Commissioner’s Act’—	8
	<i>omit, insert—</i>	9
	Working with Children Act	10
14	Section 285A(5), ‘the commissioner’—	11
	<i>omit, insert—</i>	12
	the chief executive (employment screening)	13
15	Section 285B, ‘children’s commissioner’—	14
	<i>omit, insert—</i>	15
	chief executive (employment screening)	16
16	Section 285B(1)(b) and (4), ‘Commissioner’s Act’—	17
	<i>omit, insert—</i>	18
	Working with Children Act	19
17	Section 348(3), definition <i>disqualifying offence</i>, ‘Commissioner’s Act’—	20
	<i>omit, insert—</i>	21
	Working with Children Act	22
	Working with Children Act	23

18	Schedule 3, definitions <i>children’s commissioner</i> and <i>Commissioner’s Act</i>—	1 2
	<i>omit.</i>	3
19	Schedule 3—	4
	<i>insert—</i>	5
	<i>chief executive (employment screening)</i> means the chief executive of the department in which the Working with Children Act is administered.	6 7 8
	<i>Working with Children Act</i> means the <i>Working with Children (Risk Management and Screening) Act 2000</i> .	9 10 11
20	Schedule 3, definition <i>serious offence</i>, ‘Commissioner’s Act’—	12 13
	<i>omit, insert—</i>	14
	Working with Children Act	15
	Evidence Act 1977	16
1	Section 93AA(2A), ‘CCYPCG commissioner’—	17
	<i>omit, insert—</i>	18
	chief executive (employment screening)	19
2	Section 93AA(2A) and (2B), ‘CCYPCG Act’—	20
	<i>omit, insert—</i>	21
	Working with Children Act	22
3	Section 93AA(2B), ‘CCYPCG commissioner’—	23
	<i>omit, insert—</i>	24

	former CCYPCG commissioner or the chief executive (employment screening)	1 2
4	Section 93AA, ‘a CCYPCG employment-screening decision’—	3 4
	<i>omit, insert—</i>	5
	an employment-screening decision	6
5	Section 93AA(2C), (2E) and (2F), ‘relevant CCYPCG applicant’—	7 8
	<i>omit, insert—</i>	9
	WWC applicant	10
6	Section 93AA(3), definitions <i>CCYPCG Act</i>, <i>CCYPCG commissioner</i>, <i>CCYPCG employment-screening decision</i> and <i>relevant CCYPCG applicant—</i>	11 12 13
	<i>omit.</i>	14
7	Section 93AA(3)—	15
	<i>insert—</i>	16
	<i>chief executive (employment screening)</i> means the chief executive of the department in which the Working with Children Act is administered.	17 18 19
	<i>employment-screening decision</i> means an employment-screening decision under the Working with Children Act.	20 21 22
	<i>former CCYPCG commissioner</i> means the Commissioner for Children and Young People and Child Guardian before the commencement of this definition.	23 24 25 26
	<i>Working with Children Act</i> means the <i>Working with Children (Risk Management and Screening) Act 2000</i> .	27 28 29

	<i>WWC applicant</i> , for a section 93A transcript, means a person—	1 2
	(a) who allegedly committed the alleged offence to which the transcript relates; and	3 4
	(b) about whom the former CCYPCG commissioner or the chief executive (employment screening) has made, or the chief executive (employment screening) is about to make, an employment-screening decision.	5 6 7 8 9 10
Family Responsibilities Commission Act 2008		11
1	Section 20(3), definition <i>serious offence</i>, paragraph (b), ‘Commission for Children and Young People and Child Guardian Act 2000’—	12 13 14
	<i>omit, insert—</i>	15
	<i>Working with Children (Risk Management and Screening) Act 2000</i>	16 17
2	Section 92(4), definition <i>relevant entity</i>, paragraph (a)—	18
	<i>omit.</i>	19
Grammar Schools Act 1975		20
1	Section 46G(5), ‘Commission for Children and Young People and Child Guardian Act 2000’—	21 22
	<i>omit, insert—</i>	23
	<i>Working with Children (Risk Management and Screening) Act 2000</i>	24 25

Parliament of Queensland Act 2001	1
1 Section 67(1)(e)—	2
<i>omit.</i>	3
Police Powers and Responsibilities Act 2000	4
1 Chapter 23, part 1A—	5
<i>omit, insert—</i>	6
Part 1A Provision for Working with Children (Risk Management and Screening) Act 2000	7 8 9 10
789A Power to demand production of employment-screening document	11 12
(1) This section applies if a police officer knows or reasonably suspects—	13 14
(a) a person is the holder of an employment-screening document; and	15 16
(b) any of the following apply to the person—	17
(i) the person has been charged with a disqualifying offence;	18 19
(ii) the person is a relevant disqualified person.	20 21
(2) The police officer may require the person to immediately give the employment-screening document to the police officer.	22 23 24
(3) The person must comply with the requirement under subsection (2), unless the person has a reasonable excuse.	25 26 27
Maximum penalty—100 penalty units.	28

-
- (4) A police officer who is given a person's employment-screening document under subsection (2) must give the person a receipt for the document. 1
2
3
4
- (5) A police officer must give the employment-screening document to the chief executive (employment screening). 5
6
7
- (6) A police officer may retain the employment-screening document until it is given to the chief executive (employment screening) under subsection (5). 8
9
10
11
- (7) For exercising a power under subsection (2), the police officer is taken to be investigating a matter as mentioned in section 19. 12
13
14
- (8) In this section— 15
- chief executive (employment screening)*** means the chief executive of the department in which the Working with Children Act is administered. 16
17
18
- disqualifying offence*** means a disqualifying offence within the meaning of the Working with Children Act. 19
20
21
- employment-screening document*** means— 22
- (a) a positive notice within the meaning of the Working with Children Act; or 23
24
- (b) a positive notice blue card within the meaning of the Working with Children Act; 25
26
or 27
- (c) a positive exemption notice within the meaning of the Working with Children Act. 28
29
- relevant disqualified person*** means a relevant disqualified person within the meaning of the Working with Children Act. 30
31
32
- Working with Children Act*** means the *Working with Children (Risk Management and Screening) Act 2000*. 33
34
35
-

Public Service Act 2008

1 Section 150, definitions *CCYPCG Act*, *CCYPCG commission*, *CCYPCG commissioner*, *positive exemption notice*, *positive prescribed notice* and *regulated employment*—

omit.

2 Section 150—

insert—

chief executive (employment screening) means the chief executive of the employment-screening department.

employment-screening department means the department in which the Working with Children Act is administered.

positive exemption notice means a positive exemption notice under the Working with Children Act.

positive prescribed notice means a positive notice under the Working with Children Act.

regulated employment see the Working with Children Act, section 156.

Working with Children Act means the *Working with Children (Risk Management and Screening) Act 2000*.

3 Section 151, ‘*CCYPCG Act*’—

omit, insert—

Working with Children Act

4	Section 151(2), ‘CCYPCG commission’—	1
	<i>omit, insert—</i>	2
	employment-screening department	3
5	Section 156, ‘CCYPCG Act’—	4
	<i>omit, insert—</i>	5
	Working with Children Act	6
6	Section 156(2), ‘CCYPCG commission’—	7
	<i>omit, insert—</i>	8
	employment-screening department	9
7	Section 157, ‘CCYPCG Act’—	10
	<i>omit, insert—</i>	11
	Working with Children Act	12
8	Section 158(3), ‘CCYPCG Act’—	13
	<i>omit, insert—</i>	14
	Working with Children Act	15
9	Section 159(2), ‘CCYPCG commissioner’—	16
	<i>omit, insert—</i>	17
	chief executive (employment screening)	18
10	Section 159(3), ‘CCYPCG Act’—	19
	<i>omit, insert—</i>	20
	Working with Children Act	21

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11	Section 161(1)(c)(i), ‘CCYPCG Act’—	1
	<i>omit, insert—</i>	2
	Working with Children Act	3
12	Section 162(2)(c)(i), ‘CCYPCG Act’—	4
	<i>omit, insert—</i>	5
	Working with Children Act	6
13	Section 163, ‘CCYPCG Act’—	7
	<i>omit, insert—</i>	8
	Working with Children Act	9
14	Section 165A(1), ‘CCYPCG commissioner’—	10
	<i>omit, insert—</i>	11
	chief executive (employment screening)	12
15	Section 165A(1)(b), ‘CCYPCG Act’—	13
	<i>omit, insert—</i>	14
	Working with Children Act	15
16	Section 170(7), definition <i>disqualifying offence</i>, ‘CCYPCG Act’—	16
	<i>omit, insert—</i>	17
	Working with Children Act	18
17	Schedule 1, entry for Commission for Children and Young People and Child Guardian—	20
	<i>omit.</i>	21
		22

18	Schedule 4, definitions <i>CCYPCG Act, CCYPCG commission and CCYPCG commissioner</i>—	1 2
	<i>omit.</i>	3
19	Schedule 4—	4
	<i>insert—</i>	5
	<i>chief executive (employment screening)</i> see section 150.	6 7
	<i>employment-screening department</i> see section 150.	8 9
	<i>Working with Children Act</i> see section 150.	10
	Transport Operations (Passenger Transport) Act 1994	11
1	Section 28B(3A) to (6)—	12
	<i>omit, insert—</i>	13
	(3A) Subsection (4) applies only if the person has been convicted of a category B driver disqualifying offence that is also a serious offence or disqualifying offence under the <i>Working with Children (Risk Management and Screening) Act 2000</i> to the extent that any qualification under that Act applies to the serious offence or disqualifying offence.	14 15 16 17 18 19 20 21
	(4) The chief executive must ask the chief executive (employment screening) whether the chief executive (employment screening) considers an exceptional case exists.	22 23 24 25
	(4A) For subsection (4), the chief executive may give to the chief executive (employment screening) the information, including any written representations mentioned under subsection (3)(c), the chief executive reasonably considers necessary for the chief executive (employment	26 27 28 29 30 31

Schedule 1

	screening) to consider whether an exceptional case exists.	1 2
(4B)	Also for subsection (4), the chief executive is taken to have made the request under that subsection if the chief executive obtains confirmation from the chief executive (employment screening) that a person is the holder of a current positive notice under the <i>Working with Children (Risk Management and Screening) Act 2000</i> .	3 4 5 6 7 8 9 10
(5)	The chief executive (employment screening) may give the chief executive the advice requested under subsection (4).	11 12 13
(5A)	However, if subsection (4B) applies, the chief executive (employment screening) is taken to have advised the chief executive that the chief executive (employment screening) considers that an exceptional case exists.	14 15 16 17 18
(6)	Without limiting the chief executive’s power to take the exclusion action if the advice of the chief executive (employment screening) was requested under subsection (4), the chief executive—	19 20 21 22
	(a) must take the advice of the chief executive (employment screening) into account; and	23 24
	(b) can not be satisfied that an exceptional case exists if the chief executive (employment screening) advises the chief executive that the chief executive (employment screening) considers an exceptional case does not exist.	25 26 27 28 29
2	Section 28B(9)—	30
	<i>omit.</i>	31

3	Section 104, heading—	1
	<i>omit, insert—</i>	2
	104 Chief executive (employment screening)	3
4	Section 104(2), ‘Commissioner for Children and Young People and Child Guardian’—	4
	<i>omit, insert—</i>	5
	chief executive (employment screening)	6
5	Section 148(6)(b), ‘CCYPCG Act’—	8
	<i>omit, insert—</i>	9
	<i>Working with Children (Risk Management and Screening) Act 2000</i>	10
		11
6	Schedule 3, definition <i>CCYPCG Act</i>—	12
	<i>omit.</i>	13
7	Schedule 3—	14
	<i>insert—</i>	15
	<i>chief executive (employment screening)</i> means	16
	the chief executive of the department in which	17
	the <i>Working with Children (Risk Management</i>	18
	<i>and Screening) Act 2000</i> is administered.	19
8	Schedule 3, definitions <i>category A driver disqualifying offence, category B driver disqualifying offence, imprisonment order and relevant order, ‘CCYPCG Act’—</i>	20
	<i>omit, insert—</i>	21
		22
	<i>Working with Children (Risk Management and Screening) Act 2000</i>	23
		24
		25

Transport Operations (Road Use Management) Act 1995	1 2
1 Section 122, definition <i>disqualifying offence</i>, paragraph (a), ‘Commission for Children and Young People and Child Guardian Act 2000’—	3 4 5
<i>omit, insert—</i>	6
<i>Working with Children (Risk Management and Screening) Act 2000</i>	7 8
Youth Justice Act 1992	9
1 Section 291—	10
<i>omit.</i>	11