

Child Safety Legislation Amendment Bill 2005

Explanatory Notes for Amendments to be moved during consideration in detail by The Honourable Mike Reynolds AM MP, Minister for Child Safety

Title of the Bill

The short title of the Bill is the Child Safety Legislation Amendment Bill 2005.

Objectives of the Amendments

The reason for the amendment is to achieve a legislative framework for daily monitoring of relevant persons' criminal history which is consistent with that established by the Queensland Police Service for the Commission for Children and Young People and Child Guardian.

Achievement of the Objectives

To meet this objective, the proposed section 142D in the Child Safety Legislation Amendment Bill 2005 (the Bill) enables the Police Commissioner to notify the chief executive about a change in a person's police information so as to enable electronic systems to be established for daily monitoring. While section 142D has been modelled on section 122A of the *Commission for Children and Young People and Child Guardian Act 2000* (the Commission Act), it is different because section 122A of the Commission Act only anticipates that a change in police information arises if a charge is laid against a person, whereas section 142D captures any change, including the receipt of investigative information.

The structure of section 142D anticipates a two-step notification process. Firstly, the Police Commissioner would notify the chief executive that there has been a change in the police information of a person whom the Police Commissioner reasonably suspects is a person whose suitability may be investigated under section 142A (Clause 51) of the Bill. Secondly, if the chief executive confirms the Police Commissioner's suspicion, then the

detail of the change is provided to the chief executive. This structure differs from the way in which section 122A of the Commission Act has been interpreted. Any change in a relevant person's police information is simply transferred automatically to the Commission on a daily basis.

The reason for inserting subsection 142D(4) is to ensure that the circumstance where a person who does not have any police information and subsequently obtains it, is captured by the meaning of "change" in a person's police information.

Estimated Cost of Government Implementation

This amendment will not incur any additional cost.

Consultation

The Department of the Premier and the Cabinet, the Queensland Police Service and the Department of Justice and the Attorney-General have been consulted.

Notes on Provisions

Clause 1 omits subsection 142D(2)(d) and inserts a new subsection 142D(2)(d).

The amendment inserts subsection 142D(2)(d) into the Bill to expressly allow the transfer of the particulars of the offence or alleged offence, and the date of any charge, so as to make the provision consistent with the daily monitoring system established between the Commission for Children and Young People and Child Guardian and the Queensland Police Service.

Clause 2 inserts a new subsection 142D(4) in clause 51 of the Bill.

The amendment inserts a new subsection 142D(4) into the Bill to clarify that a reference in section 142D to a person's police information changing includes, for a person for whom there is no police information, the person becoming the subject of police information.