

Commission for Children and Young People and Child Guardian and Another Act Amendment Bill 2008

Explanatory Notes for Amendments to be moved during consideration in detail by the Honourable Judy Spence MP

Title of the Bill

Commission for Children and Young People and Child Guardian and Another Act Amendment Bill 2008

Objective of the Amendments

The objective of the amendments is to ensure the desired policy objectives can be achieved in full and as intended, and to correct incorrect references and terminology.

Consistency with Fundamental Legislative Principles

The amendments do not conflict with Fundamental Legislative Principles.

Consultation

There has been no community consultation on the amendments. Consultation with relevant government stakeholders has occurred.

Notes on Provisions

Amendment 1 amends clause 4 to replace ‘a foreign’ with ‘another’ in the revised definition of the term “serious offence”. This amendment ensures that comparable offences of other jurisdictions are also serious offences.

Amendment 2 amends clause 29 to replace ‘a foreign’ with ‘another’ in the definition of the term 'disqualifying offence' in new section 120B. This amendment ensures that comparable offences of other jurisdictions are also disqualifying offences.

Amendment 3 amends clause 29 to correct a typographical error by replacing ‘to is’ with ‘is to’ in new section 120F.

Amendment 4 amends clause 34, which amends section 122, to require the police commissioner to give information to the Commissioner for Children and Young People and Child Guardian about the reasons why a court or magistrate refused to make a CPOPOA disqualification order.

Amendment 5 amends clause 45 which inserts new section 219 to clarify that an application made before commencement by a relevant disqualified person to cancel a negative notice or to cancel the suspension of a positive notice are taken to be refused and withdrawn respectively.

Amendments 6 and 7 amend clause 45 to correct a drafting error and remove the reference to section 126C in new section 227.

Amendment 8 amends clause 45 to insert a reference to section 222 into new section 228. This amendment ensures that individuals with current positive notices at commencement, which are not suspended, are permitted to continue engaging in regulated employment.

Amendments 9 and 10 amend clause 46 by inserting a number of disqualifying offences into the serious offence list. This amendment clarifies beyond doubt the inclusion of the specified offences as serious offences.

Amendment 11 amends clause 47 to correct the qualification in respect of the reference to section 300 of the Criminal Code in new schedule 2B, to be as follows: “only if the unlawful killing is murder under section 302 and was committed against a child”.

Amendment 12 amends clause 47 to correct a typographical error.

Amendment 13 amends clause 51 to insert a consequential amendment to sections 141H(1)(c) and 141I(1)(c) of the *Child Protection Act 1999* to reflect new terminology which requires notification be given to the children's commissioner of a change in police information.

Amendment 14 makes consequential amendments (items 1 to 8) to the *Education (Queensland College of Teachers) Act 2005* (QCT Act) to

replace the terms ‘excluding’ and ‘excluding offence’ with ‘disqualifying’ and ‘disqualify offence’, respectively.

Item 9 provides that new section 330 provides that on commencement of the section an existing section 48 suspension continues in force and is taken to have been made in relation to a charge for a disqualifying offence. This provision is necessary to clarify that suspensions under section 48 in force prior to commencement of the amendments continue even though section 48 is amended to refer to ‘disqualifying offences’ rather than ‘excluding offences’.

Item 10 amends Schedule 3 of the QCT Act to omit the definition of ‘excluding offence’ and replace it with a definition of ‘disqualifying offence’.

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