

# Police Service Administration (NDIS Worker Screening) Amendment Regulation 2019

Explanatory notes for SL 2019 No. 185

made under the

*Police Service Administration Act 1990*

## General Outline

### Short title

*Police Service Administration (NDIS Worker Screening) Amendment Regulation 2019*

### Authorising law

Section 10.28 of the *Police Service Administration Act 1990*

### Policy objectives and the reasons for them

The *Police Service Administration Act 1990* (PSAA) provides for the Queensland Police Service (QPS) and its administration. Part 10, Division 1B of the PSAA contains provisions about the exchange of criminal history information for child-related employment screening purposes.

Part 3 of the *Disability Services and Other Legislation (Worker Screening) Amendment Act 2018*, which commences on 12 September 2019, expands Part 10, Division 1B of the PSAA to allow the QPS to exchange criminal history information which may include spent convictions, pending charges and non-conviction charge information with prescribed interstate screening units for the purpose of disability-related employment screening.

This change implements the Queensland Government's commitment to the Intergovernmental Agreement on Nationally Consistent Worker Screening for the National Disability Insurance Scheme (NDIS). Under this agreement the Commonwealth, states and territories agreed to implement relevant legislation and policy guidelines to enable consistent NDIS worker screening.

Consultation has been conducted with respective state and territory governments in New South Wales (NSW), the Australian Capital Territory (ACT), South Australia (SA) and Tasmania, confirming that each of these jurisdictions has determined arrangements for NDIS worker screening and implemented legislation to permit information exchange in compliance with the agreement.

Legislation in the ACT, SA and Tasmania allows the existing prescribed interstate screening units responsible for child-related employment screening to also conduct NDIS worker screening. NSW has implemented specific legislation for NDIS worker screening which establishes a specific screening agency for this purpose.

The remaining Australian jurisdictions are yet to finalise their NDIS worker screening arrangements and information sharing with these jurisdictions will not commence at this stage.

Section 70 of the *Police Service Administration Regulation 2016* (PSAR) currently prescribes the 'interstate screening units' with which the QPS can exchange criminal history information for child-related employment screening purposes. The *Police Service Administration (NDIS Worker Screening) Amendment Regulation 2019* (the Regulation) will amend the existing regulation to reference criminal history information exchange for both child-related and disability-related employment screening. As mentioned above, additional screening units are not required to be prescribed for exchange of criminal history for NDIS employment screening with the ACT, SA and Tasmania. The Regulation will prescribe an additional interstate screening unit for exchange of criminal history information with NSW, being, "the Screening Agency under the *National Disability Insurance Scheme (Worker Checks) Act 2018* (NSW)".

## **Achievement of policy objectives**

The Regulation achieves its objectives by amending the PSAR to enable the QPS to exchange criminal history information for disability-related employment screening purposes with the prescribed interstate screening units. Amendment to the heading of Part 16, which will be changed from "Exchange of criminal history for child-related employment screening" to "Exchange of criminal history for particular employment screening", allows for exchange of criminal history information for NDIS employment screening in addition to that already exchanged for child-related employment screening.

## **Consistency with policy objectives of authorising law**

The Regulation is consistent with the objectives of the authorising Act.

## **Inconsistency with policy objectives of other legislation**

The Regulation is consistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

Any costs incurred through the implementation of the Regulation are expected to be negligible and will be met through existing budgets.

## **Consistency with fundamental legislative principles**

The Regulation is consistent with the fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

## **Consultation**

The respective state and territory governments in NSW, SA, ACT and Tasmania were consulted.

The Queensland Police Service has concluded that the Regulation is exempt from regulatory impact analysis as it falls within the following exclusion category (j) outlined in the Queensland Government Guide to Better Regulation:

- (j) relating to police powers and administration, general criminal laws, the administration of courts and tribunals and corrective services.

Consequently, the Office of Best Practice Regulation was not consulted in relation to the Regulation.