

Proclamation - Working with Children (Risk Management and Screening) and Other Legislation Amendment Act 2024

Human Rights Certificate

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

In accordance with section 41 of the *Human Rights Act 2019* (the HR Act), I, the Honourable Deb Frecklington MP, Attorney-General and Minister for Justice and Minister for Integrity provide this human rights certificate with respect to the proclamation made under the *Working with Children (Risk Management and Screening) and Other Legislation Amendment Act 2024* (the Amendment Act).

In my opinion, the proclamation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The Proclamation fixes 1 July 2025 for the commencement of certain provisions in the Amendment Act. This includes changes to:

- amend the *Disability Services Act 2006* and *Working with Children (Risk Management and Screening) Act 2000* (WWC Act) to provide for greater alignment, including providing for more consistency of information sharing and confidentiality provisions relating to worker screening;
- provide the chief executive with a new power to request information from persons to better audit and facilitate compliance with the WWC Act;
- create a requirement for employers to keep a register about persons employed in regulated employment, and make it an offence for failure to comply;
- provide an exemption for interstate or international emergency workers deployed to Queensland as part of a declaration of a state of fire emergency made under the *Fire Services Act 1990* or a disaster situation under the *Disaster Management Act 2003*; and
- include new categories of regulated employment and regulated business for justice and detention services to better capture workers providing services to children in detention or subject to an order under the *Youth Justice Act 1992*.

Human Rights Issues

A Human Rights Statement of Compatibility was tabled with the Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill 2024 and covers the provisions of the Amendment Act being commenced by proclamation. As noted in the Statement of Compatibility, the purpose of expanding the scope of regulated employment and regulated business under the WWC Act is to increase safeguards for children by requiring screening of sectors that may have direct and, at times, unsupervised contact with children. It

also noted that any limitation on an individual's human rights, in particular the right to privacy, caused by the expanded scope is reasonable and demonstrably justifiable because of the fundamental importance of protecting the safety of children.

As this proclamation fixes a commencement date for the commencement of the new categories of regulated employment and regulated business for justice and detention services, no new human rights issues are raised.

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

In my opinion, the proclamation to commence the stated provisions does not engage or limit human rights.

Conclusion

I consider that the proclamation is compatible with the HR Act because it does not limit human rights.

DEB FRECKLINGTON MP
Attorney-General and Minister for Justice
Minister for Integrity

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