Queensland

Queensland Protection Commission Act 2026

Act No. 26 of 2026

An Act to establish the Queensland Protection Commissioner to protect the safety and wellbeing of children, young people and other vulnerable persons and for related purposes, to repeal the Family and Child Commission Act 2014, and to amend this Act, the Child Safe Organisations Act 2024, the Disability Services Act 2006, the Working with Children Check Act 2000 and the legislation mentioned in schedule 2 for particular purposes

[Assented to 22 October 2026]

Queensland

Queensland Protection Commission Act 2026

Contents

		Page
Part 1	**Preliminary**	
1	Short title	11
2	Commencement	11
3	Main purposes	12
4	Act binds all persons	12
5	Definitions	12
Part 2	**Queensland Protection Commissioner**	
Division 1	**Establishment**	
6	Establishment	13
7	Functions of commissioner	13
8	Powers of commissioner	14
Division 2	**Office of commissioner**	
9	Establishment of office	14
10	Function of office	15
Division 3	**Appointments and staff**	
Subdivision 1	**General**	
11	Appointment of commissioner	15
12	Appointment of deputy commissioners	15
Subdivision 2	**Other provisions about appointments**	
13	Commissioner and deputy commissioners employed under this Act	16
14	Term of appointment	16
15	Conditions of appointment	16
16	Acting commissioner and acting deputy commissioners	16
17	Vacancy in office	17
18	Resignation	18
19	Preservation of rights	18

Subdivision 3 **Staff**

20 Staff 19

Division 4 **Advisory councils**

21 Establishment 19

22 Membership 19

23 Function 19

24 Dissolution 20

25 Other matters 20

Division 5 **Miscellaneous**

26 Recommendations to Minister 20

27 Ways in which commissioner performs particular functions 20

28 Ministerial direction 21

29 Statement of expectations 22

Part 3 **Child death register**

Division 1 **General**

30 Commissioner to keep register 22

31 Other functions relating to child death register 23

Division 2 **Information provisions**

32 Requests by commissioner for information relevant to child death register 24

33 Access to information in the child death register for research purposes 25

Division 3 **Reporting**

34 Reports about child death register 26

35 Other reports 27

36 Preparation of reports 27

37 No liability for defamation if report made in good faith 28

Part 4 **Child Death Review Board**

Division 1 **Preliminary**

38 When a child death is connected to the child protection system . 28

Division 2 **General**

Subdivision 1 **Board**

39 Continuation of Child Death Review Board 28

40 Purposes of board’s reviews 29

41 Board must act independently and in public interest 29

Subdivision 2 **Functions and powers**

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42	Functions	30
43	Powers	30
44	Board to coordinate with other entities	30
Subdivision 3	**Membership**	
45	Membership of board	31
46	Chairperson	31
47	Other members	31
48	Deputy chairperson	32
49	Conditions of appointment	33
50	Term of appointment	33
51	Vacancy in office	34
52	Criminal history reports	34
53	Conviction must be disclosed	35
Division 3	**Conduct of reviews**	
54	Board may carry out review	35
55	Minister may ask board to carry out review	36
Division 4	**Reporting**	
56	Annual reports about board operations	37
57	Other reports	38
58	Consultation before including particular information in reports	38
59	Board may respond to internal agency review reports	39
Division 5	**Information sharing and protection from liability**	
60	Underlying principle	39
61	Requests by chairperson for information relevant to board's functions	40
62	Confidential information may be disclosed to chairperson	41
63	Chairperson may disclose confidential information	41
64	Information sharing arrangements	41
65	Interaction with other laws	42
66	Protection from liability for giving information	42
67	No liability for defamation if report made in good faith	43
Division 6	**Proceedings of the board**	
68	Conduct of proceedings	43
69	Meetings	43
70	Time and place of meetings	44
71	Quorum	44

Authorised by the Parliamentary Counsel

72	Presiding at meetings	44
73	Minutes and other records	45
74	Disclosure of interests	45
75	Attendance by proxy	46
Part 5	**Information sharing and confidentiality**	
Division 1	**Information sharing**	
76	Requests by commissioner for information	46
77	Compliance with other Acts	47
78	Commissioner must make guidelines	48
Division 2	**Confidentiality**	
79	Confidentiality of information	48
80	Confidentiality of information given by persons involved in administration of Act to other persons	49
Part 6	**Miscellaneous**	
81	Delegations	50
82	Protection from civil liability	50
83	Reports	51
84	Administrative and financial control	52
85	Regulation-making power	53
Part 7	**Repeal and transitional provisions**	
Division 1	**Repeal**	
86	Repeal	53
Division 2	**Transitional provisions**	
Subdivision 1	**Preliminary**	
87	Definitions for division	53
Subdivision 2	**Former commission and commissioners**	
88	Former commission and commissioners	54
89	Commissioner successor in law of former commission	54
90	Principal commissioner of former commission	54
91	Agreements, undertakings and other arrangements	55
92	Records and other documents	55
93	References to former commission	55
94	Final annual report of former commission	56
Subdivision 3	**Child death register**	
95	Continuation of child death register	56
96	Requests for information by principal commissioner	56

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97 Access to information consented to by principal commissioner . 57
98 First report about child death register 57
Subdivision 4 Child death review board
99 Information sharing arrangements 57
100 Annual report of board and submissions 58
Subdivision 5 Other matters
101 First report by commissioner 58
102 Proceedings for particular offences 58
103 Advisory councils 59
Subdivision 6 Transitional regulations
104 Transitional regulation-making power 59
Part 8 Legislation amended
Division 1 Amendment of this Act
105 Act amended 60
106 Amendment of long title 60
Division 2 Amendment of Child Safe Organisations Act 2024
107 Act amended 60
108 Amendment of s 34 (Head of reporting entity must notify commission of reportable allegation or reportable conviction relating to worker) 61
109 Amendment of s 37 (Report by head of reporting entity) 61
110 Amendment of ch 4, hdg (Disclosure of information and confidentiality) 62
111 Amendment of s 51 (Disclosure of findings of reportable conduct to chief executive (working with children)) 62
112 Insertion of new s 51A 62
51A Disclosure of reportable allegations 63
113 Amendment of s 51A (Disclosure of allegations of reportable conduct and interim findings) 63
114 Insertion of new s 54A 63
54A Information may be used for protection commissioner's other functions 64
115 Amendment of s 56 (Confidentiality of information) 64
116 Amendment of s 57 (Confidentiality of information given by persons involved in administration of Act to other persons) 65
117 Amendment of s 102 (Giving official false or misleading information) 65
118 Insertion of new s 107A 66
107A Reports by protection commissioner 66

Authorised by the Parliamentary Counsel

119 Insertion of new ch 9, pt 1, hdg 66

120 Insertion of new ch 9, pt 2 66

Part 2 Transitional provisions for Queensland Protection Commission Act 2026

Division 1 Preliminary

113 Definitions for part 67

Division 2 Provisions relating to former commission

114 Enforceable undertakings 67

115 Things done or started by former commission 68

116 Protection commissioner may deal with pre-commencement matters 69

117 Exemptions from complying with ch 3, pt 3 69

118 Requests for information by former commission 69

119 Authorised officers 70

Division 3 Internal reviews, external reviews and appeals

120 Internal reviews not started on commencement 70

121 External reviews not started on commencement . . . 71

122 Undecided internal and external reviews 72

123 Appeals not started on commencement 72

124 Undecided appeals 72

121 Amendment of sch 3 (Dictionary) 73

Division 3 Amendment of Disability Services Act 2006

122 Act amended 74

123 Amendment of s 40 (Main purposes of part) 74

124 Amendment of s 67 (Application combined with working with children check application) 74

125 Amendment of s 77 (Request to withdraw combined application) 75

126 Omission of s 138ZG (Giving information to chief executive (working with children)) 75

127 Amendment of s 138ZLA (Confidentiality of police, disciplinary, mental health and other protected information) 75

128 Amendment of s 138ZLB (Confidentiality of other information obtained for screening purposes) 76

129 Insertion of new s 138ZLCA 77

138ZLCA Use of information for working with children check functions 77

130 Amendment of s 138ZLD (Reports by chief executive) 78

131 Omission of s 138ZN (Arrangements with chief executive (working with

Authorised by the Parliamentary Counsel

children) about asking for and giving information) 79
132 Insertion of new s 235A 79
235A Delegation by protection commissioner 79
133 Amendment of s 236 (Protecting officials from liability) 79
134 Insertion of new pt 9, div 15 80
Division 15 Transitional provisions for Queensland Protection Commission Act 2026
Subdivision 1 Preliminary
394 Definitions for division 80
Subdivision 2 Applications, requests and things done
395 Existing applications and requests made to chief executive 81
396 Things done or started by the chief executive 81
397 Requirements of chief executive 82
Subdivision 3 Information sharing arrangements
398 Information sharing arrangements 82
Subdivision 4 Reviews and appeals
399 Internal reviews not started on commencement 83
400 External reviews not started on commencement . . . 83
401 Undecided internal and external reviews 84
402 Appeals not started on commencement 84
403 Undecided appeals 85
135 Amendment of sch 8 (Dictionary) 85
Division 4 Amendment of Working with Children Check Act 2000
136 Act amended 86
137 Amendment of s 8 (Chief executive's main functions) 87
138 Amendment of s 15 (What is a serious offence) 87
139 Amendment of s 16 (What is a disqualifying offence) 88
140 Amendment of s 187A (Application combined with disability worker screening application) 88
141 Amendment of s 196A (Withdrawal of combined application) . . . 89
142 Amendment of s 238 (Term of working with children authority) . 89
143 Amendment of s 239 (Term of exemption) 89
144 Amendment of ch 8, pt 6, div 4, hdg (Obtaining information from interstate police commissioner, working with children check national reference system or interstate screening unit) 90
145 Amendment of s 320 (Requesting further information about interstate

Authorised by the Parliamentary Counsel

convictions and charges) 90

146 Insertion of new s 320C 90

320C Requesting information or accessing records held by ACC 90

147 Amendment of s 320C (Requesting information or accessing records held by ACC) 91

343A Information relevant to protection commissioner's child safe functions 91

149 Omission of s 344 (Giving information to chief executive (disability worker screening)) 91

150 Amendment of s 345B (Giving information to ACC) 92

151 Insertion of new s 345BA 92

345BA Giving information to ACC for performance of particular functions 92

152 Amendment of s 345BA (Giving information to ACC for performance of particular functions) 92

153 Amendment of s 351 (False or misleading disclosure) 93

154 Amendment of s 352 (False or misleading documents) 93

155 Amendment of s 370B (Obtaining information from persons) . . . 93

156 Amendment of s 384 (Confidentiality of protected information) . 93

157 Amendment of s 385 (Confidentiality of other information) 94

158 Insertion of new s 386 95

386 Use of information for disability worker screening functions 95

159 Amendment of s 393 (Protection from liability) 96

160 Amendment of s 395 (Reports by chief executive) 96

161 Insertion of new ch 11, pt 24 97

Part 24 Transitional provisions for Queensland Protection Commission Act 2026

Division 1 Preliminary

637 Definitions for part 98

Division 2 Applications, requests and things done

638 Existing applications and requests made to chief executive 98

639 Things done or started by the chief executive 98

640 Requirements of chief executive 99

641 Particular disciplinary information received by chief executive before commencement 100

Authorised by the Parliamentary Counsel

Division 3 Information sharing arrangements

642 Information sharing arrangements 100

Division 4 Reviews and appeals

643 Reviews not started on commencement 101

644 Undecided reviews 101

645 Appeals not started on commencement 102

646 Undecided appeals 102

Division 5 New serious offences and disqualifying offences

647 Effect of conviction for new serious offence on existing authority 103

648 Effect of conviction for new disqualifying offence on existing authority 104

649 Existing reviews against relevant reviewable decisions must be dismissed 104

650 Existing appeals against relevant reviewable decisions must be dismissed 105

162 Amendment of sch 2 (Current serious offences) 106

163 Amendment of sch 3 (Repealed or expired serious offences) . . 108

164 Amendment of sch 4 (Current disqualifying offences) 108

165 Amendment of sch 5 (Repealed or expired disqualifying offences) 109

166 Amendment of sch 7 (Dictionary) 109

Division 5 Other amendments

167 Legislation amended 110

Schedule 1 Dictionary 111

Schedule 2 Other amendments 115

Births, Deaths and Marriages Registration Act 2023 115

Building Act 1975 116

Child Protection Act 1999 116

Child Safe Organisations Act 2024 117

Coroners Act 2003 124

Crime and Corruption Act 2001 125

Disability Services Act 2006 126

Education (Accreditation of Non-State Schools) Act 2017 133

Education and Care Services Act 2013 134

Education and Care Services National Law (Queensland) Act 2011 135

Education (Queensland College of Teachers) Act 2005 135

Inspector of Detention Services Act 2022 136

Authorised by the Parliamentary Counsel

Integrity Act 2009 136
Police Powers and Responsibilities Act 2000 137
Public Guardian Act 2014 138
Public Sector Act 2022 138
Public Sector Ethics Regulation 2023 139
Statutory Bodies Financial Arrangements Regulation 2019 139
Transport Operations (Passenger Transport) Act 1994 139
Victims' Commissioner and Sexual Violence Review Board Act 2024 140
Working with Children Check Act 2000 141
Working with Children (Risk Management and Screening) Regulation 2020 154
Youth Justice Act 1992 154

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The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Queensland Protection Commission Act 2026*.

2 Commencement

(1) This Act, other than the following provisions, commences on 1 February 2027—

(a) section 111(5);

(b) section 112;

(c) section 121(3);

(d) sections 144 to 146;

(e) section 150;

(f) section 151;

(g) section 162(5A), (5B) and (6);

(h) section 163;

(i) section 164(3);

(j) section 165.

(1A) Sections 162(5A) and (5B) and 163(1) commence on 1 March 2027.

(2) The following provisions commence on a day to be fixed by proclamation—

(a) section 162(6);

(b) section 163(2);

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(c) section 164(3);

(d) section 165.

3 Main purposes

(1) The main purposes of this Act are—

(a) to protect the safety and wellbeing of children, young people and other vulnerable persons; and

(b) to provide oversight of the child protection system; and

(c) to promote and advocate the responsibility of families and communities to protect and care for children, young people and other vulnerable persons.

(2) The main purposes are to be primarily achieved by establishing the Queensland Protection Commissioner.

4 Act binds all persons

(1) This Act binds all persons, including the State and, to the extent the legislative power of the Parliament permits, the Commonwealth and the other States.

(2) However, the State, Commonwealth or another State can not be prosecuted for an offence against this Act.

5 Definitions

The dictionary in schedule 1 defines particular words used in this Act.

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Part 2 Queensland Protection Commissioner

Division 1 Establishment

6 Establishment

There is to be a Queensland Protection Commissioner.

7 Functions of commissioner

(1) The commissioner has the following functions—

(a) to provide oversight of the child protection system;

(b) to promote and advocate—

(i) the responsibility of families and communities to protect and care for children, young people and other vulnerable persons; and

(ii) the safety and wellbeing of children, young people and other vulnerable persons, particularly children in need of protection;

(c) to inform and educate the community about—

(i) services available to strengthen and support families; and

(ii) the way in which the child protection system operates;

(d) to analyse and evaluate, at a systemic level, policies and practices relevant to the child protection system and the performance of relevant agencies in delivering services;

(e) to carry out, and support the carrying out of, activities to improve the safety and wellbeing of children and young people, having regard to any statement of expectations given by the Minister under section 29;

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(f) to exchange information under this Act and other Acts that is relevant to the proactive identification of, and protection from, threats to the safety and wellbeing of children, young people and other vulnerable persons;

(g) to report to the Minister about matters relating to a function mentioned in paragraphs (a) to (f);

(h) to perform a function incidental to a function mentioned in paragraphs (a) to (f);

(i) to perform another function given to the commissioner under this Act, the *Child Safe Organisations Act 2024*, the *Disability Services Act 2006*, part 5, the *Working with Children Check Act 2000* or another Act.

(2) However, it is not a function of the commissioner under this Act to advocate on behalf of a particular child, young person, vulnerable person or family.

(3) The commissioner must, in performing the commissioner's functions under this Act and the *Child Safe Organisations Act 2024*, avoid unnecessary duplication of the board's performance of its functions under part 4.

8 Powers of commissioner

The commissioner has the power to do anything necessary or convenient to be done for the performance of the commissioner's functions.

Division 2 Office of commissioner

9 Establishment of office

(1) The office called the Queensland Protection Commission is established.

(2) The office consists of—

(a) the commissioner; and

(b) 2 deputy commissioners; and

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(c) the staff of the office.

10 Function of office

The function of the office is to help the commissioner perform the commissioner's functions under section 7.

Division 3 Appointments and staff

Subdivision 1 General

11 Appointment of commissioner

(1) The commissioner is appointed by the Governor in Council on the recommendation of the Minister.

(2) The Minister may recommend a person for appointment as the commissioner only if the Minister is satisfied the person is appropriately qualified to perform the functions of the commissioner.

12 Appointment of deputy commissioners

(1) The deputy commissioners are appointed by the Governor in Council on the recommendation of the Minister.

(2) The Minister may recommend a person for appointment as a deputy commissioner only if the Minister is satisfied the person is appropriately qualified to perform the functions of a deputy commissioner.

(3) At least 1 person recommended by the Minister for appointment as a deputy commissioner must—

(a) be an Aboriginal or Torres Strait Islander person; or

(b) have demonstrated ability or experience in working with Aboriginal or Torres Strait Islander children.

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Subdivision 2 Other provisions about appointments

13 Commissioner and deputy commissioners employed under this Act

The commissioner and deputy commissioners are employed under this Act and not under the *Public Sector Act 2022*.

14 Term of appointment

Subject to this subdivision, the commissioner and each deputy commissioner hold office for the term, of at least 3 years but not more than 5 years, stated in the instrument of appointment for the commissioner or deputy commissioner.

15 Conditions of appointment

(1) The commissioner and each deputy commissioner is to be paid the remuneration and allowances decided by the Governor in Council on the recommendation of the Minister.

(2) A person holds office as the commissioner or a deputy commissioner on the conditions decided by the Governor in Council to the extent the conditions are not provided for by this Act.

16 Acting commissioner and acting deputy commissioners

(1) The Minister may appoint a person to act in the office of the commissioner or a deputy commissioner during—

(a) a vacancy in the office; or

(b) a period when the commissioner or deputy commissioner is absent from duty, or can not, for another reason, perform the functions of the office.

(2) A person may only be appointed to act as the commissioner or a deputy commissioner if the Minister is satisfied the person is

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appropriately qualified to act as the commissioner or deputy commissioner.

(3) To remove any doubt, it is declared that the Minister may appoint—

(a) a deputy commissioner to act in the office of the commissioner; and

(b) another person to act in the office of the commissioner or deputy commissioner.

(4) This section does not limit the Governor in Council's power under the *Acts Interpretation Act 1954*, section 25(1)(b)(iv) or (v).

17 Vacancy in office

(1) The office of the commissioner or a deputy commissioner becomes vacant if the commissioner or deputy commissioner—

(a) completes a term of office and is not reappointed; or

(b) resigns under section 18; or

(c) is convicted of an indictable offence; or

(d) is an insolvent under administration; or

(e) is removed from office under subsection (2).

(2) The Governor in Council may, at any time, remove the commissioner or a deputy commissioner from office on the recommendation of the Minister.

(3) The Minister may recommend the removal of the commissioner or deputy commissioner for any reason or none.

(4) Without limiting subsection (3), the Minister may recommend the removal of the commissioner or deputy commissioner if the Minister is satisfied the commissioner or deputy commissioner—

(a) has engaged in misconduct; or

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(b) is incapable of performing the functions of the office of the commissioner or deputy commissioner; or

(c) has neglected, or incompetently performed, the duties of the office.

(5) This section does not limit the *Acts Interpretation Act 1954*, section 25(1)(b)(i).

(6) In this section—

misconduct, in relation to the commissioner or a deputy commissioner, means—

(a) inappropriate or improper conduct in an official capacity of the commissioner or deputy commissioner; or

(b) inappropriate or improper conduct in a private capacity that reflects seriously and adversely on the office of commissioner or deputy commissioner.

18 Resignation

The commissioner or a deputy commissioner may resign office by signed notice given to the Minister giving at least 1 month's notice.

19 Preservation of rights

(1) This section applies if a person who is a public service officer is appointed as the commissioner or a deputy commissioner.

(2) The person keeps all rights accrued or accruing to the person as a public service officer as if the person's service as the commissioner or deputy commissioner were a continuation of service as a public service officer.

(3) At the end of the person's term of office or resignation as the commissioner or deputy commissioner, the person's service as the commissioner or deputy commissioner is taken to be service of a like nature in the public service for deciding the person's rights as a public service officer.

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Subdivision 3 Staff

20 Staff

The commission's staff are employed under the *Public Sector Act 2022*.

Division 4 Advisory councils

21 Establishment

The commissioner may establish 1 or more advisory councils, as the commissioner considers appropriate, to advise on matters relating to the commissioner's functions.

22 Membership

(1) An advisory council has the membership decided by the commissioner.

(2) However, the commissioner must ensure that at least 1 member of each advisory council is an Aboriginal or Torres Strait Islander person.

(3) The commissioner may appoint a person to an advisory council only if the commissioner is satisfied the person is appropriately qualified to advise on the matters referred to the council by the commissioner.

23 Function

(1) An advisory council's function is to help the commissioner to effectively and efficiently perform the commissioner's functions by advising on matters referred to it by the commissioner.

(2) It is not an advisory council's function to advise the commissioner on the day-to-day management of the commission.

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24 Dissolution

The commissioner may dissolve an advisory council at any time.

25 Other matters

The commissioner may decide matters about an advisory council that are not provided for under this Act, including, for example—

(a) the terms on which the members of an advisory council hold office; and

(b) the way in which the advisory council must conduct meetings or report to the commissioner.

Division 5 Miscellaneous

26 Recommendations to Minister

The commissioner and deputy commissioners may make recommendations to the Minister about any matter that—

(a) relates to the performance or exercise of the functions or powers of the commissioner or a deputy commissioner; and

(b) may help the Minister in the proper administration of this Act.

27 Ways in which commissioner performs particular functions

(1) This section applies in relation to a function of the commissioner under section 7(1)(a) to (e).

(2) In performing the function, the commissioner must do the following—

(a) engage with, and take account of, the views of children, young people, vulnerable persons and their families;

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(b) be sensitive to the ethnic or cultural identity and values of children, young people, vulnerable persons and their families;

(c) ensure the interests of Aboriginal peoples and Torres Strait Islander peoples are adequately and appropriately represented;

(d) respect and promote the role of Aboriginal and Torres Strait Islander service providers in supporting Aboriginal and Torres Strait Islander families and communities to protect and care for their children, young people and vulnerable persons;

(e) consult with relevant agencies and advocacy entities;

(f) work cooperatively with relevant agencies and help build their capacity to meet the needs of children, young people, vulnerable persons and their families.

(3) In this section—

advocacy entity means an entity that provides advocacy services for, or otherwise represents—

(a) particular children; or

(b) particular vulnerable persons; or

(c) the interests of children or vulnerable persons generally.

28 Ministerial direction

(1) The commissioner is subject to the direction of the Minister in performing a function of the commissioner under this Act, other than a function mentioned in section 7(1)(e) and (f).

(2) If the Minister gives the commissioner a direction under this section, the commissioner must comply with the direction.

Note—

See also section 41 in relation to the board acting independently.

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29 Statement of expectations

(1) The Minister may give the commissioner a written statement (a ***statement of expectations***) about the Minister's expectations for the performance of the commissioner's function under section 7(1)(e).

(2) Without limiting subsection (1), the statement of expectations may—

(a) state a particular period for which the statement applies; and

(b) provide for the nature and scope of the commissioner's activities for a particular period.

(3) The commissioner must, as soon as practicable after the statement of expectations is given, publish the statement on the commissioner's website.

(4) In performing the function, the commissioner must—

(a) have regard to the statement of expectations; and

(b) keep the Minister reasonably informed about the activities performed by the commissioner in performing the function.

(5) The commissioner must comply with a reasonable request by the Minister to give the Minister stated information at a stated time about the activities performed by the commissioner in performing the function.

Part 3 Child death register

Division 1 General

30 Commissioner to keep register

(1) The commissioner must keep a register (the ***child death register***) of information relating to child deaths in Queensland in the way the commissioner considers appropriate.

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(2) The commissioner must include on the register information given, under the following sections, to the commissioner—

(a) the *Births, Deaths and Marriages Registration Act 2023*, section 119 or 120;

(b) the *Coroners Act 2003*, section 10A, 45, 46 or 54A.

(3) The commissioner may also include on the register information given to the commissioner—

(a) under the *Building Act 1975*, section 245I, to the extent the information relates to a child death; or

(b) in response to a request made under section 32.

31 Other functions relating to child death register

The commissioner also has the following functions to help reduce the likelihood of child deaths—

(a) in relation to the information about child deaths recorded in the child death register—

(i) to classify the deaths according to cause of death, demographic information and other relevant factors; and

(ii) to analyse the information to identify patterns or trends;

(b) to conduct research, alone or in cooperation with other entities, relevant to the register;

(c) to identify areas for further research by the commissioner or other entities;

(d) to make recommendations, arising from keeping the register and conducting research under this section, about laws, policies, practices and services.

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Division 2 Information provisions

32 Requests by commissioner for information relevant to child death register

(1) Subsection (2) applies if the commissioner considers a public entity has information necessary for the performance of the commissioner's functions under this part.

(2) The commissioner may, by notice, ask the public entity to give the information to the commissioner within a stated reasonable time.

(3) The public entity must comply with the request unless the entity reasonably considers the disclosure of the information—

(a) would prejudice the investigation of a contravention, or possible contravention, of the law; or

(b) would prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law; or

(c) would endanger a person's life or physical safety.

(4) However, in complying with the request, the public entity and the commissioner must ensure—

(a) the information given to the commissioner relates to the commissioner's functions under this part; and

(b) to the extent possible, the privacy of any person to whom the information relates is protected from unjustified intrusion.

(5) If the public entity refuses to comply with the request, the entity must give notice to the commissioner of its reasons for the refusal.

(6) The commissioner and a public entity may enter into an arrangement to facilitate the provision of information under this section.

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Example for subsection (6)—

The commissioner and a public entity may enter into a memorandum of understanding under which the entity gives the commissioner access to a database periodically to extract information.

(7) A public entity may charge a fee for a service under an arrangement under subsection (6) that is not more than the actual cost of the service.

(8) In this section—

information includes confidential information.

33 Access to information in the child death register for research purposes

(1) This section applies if a person wants to access information in the child death register to undertake research to help reduce the likelihood of child deaths.

(2) The person may access the information only with the commissioner's consent.

(3) The commissioner may consent only if the commissioner is satisfied—

(a) the person is a genuine researcher; and

(b) the information is reasonably necessary for the research mentioned in subsection (1).

(4) The commissioner must not give the person access to confidential information unless the commissioner reasonably believes—

(a) the confidential information is necessary for the research to be effective; and

(b) the opportunity for increased knowledge that may result from the research outweighs the need to protect the privacy of any living or dead person.

(5) The commissioner may impose the conditions on the consent that the commissioner considers appropriate including, for example, a condition that the person must not disclose stated

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information to anyone else or use the information other than for a stated purpose.

(6) The person must comply with any condition imposed on the consent unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

(7) In this section—

genuine researcher means—

(a) a person for whom an application for health information has been granted under the *Public Health Act 2005*, chapter 6, part 4; or

(b) a member of a quality assurance committee established under the *Hospital and Health Boards Act 2011*, section 82; or

(c) another person who the commissioner considers is conducting genuine research.

person includes a public entity.

Division 3 Reporting

34 Reports about child death register

By 31 October in each year, the commissioner must prepare, and give to the Minister, a report about the following matters for the previous financial year—

(a) the results of analysing information included in the child death register;

(b) the commissioner's activities relating to research under section 31;

(c) any persons given access to information under section 33;

(d) any recommendations the commissioner has made under section 31 about laws, policies, practices or services;

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(e) the extent to which previous recommendations of the commissioner have been implemented.

35 Other reports

The commissioner may prepare, and give to the Minister, other reports arising from the performance of the commissioner's functions under section 31.

36 Preparation of reports

(1) The commissioner must not include in a report under this part any comments adverse to an entity identifiable from the report, unless the entity has been given a copy of the comments and a reasonable opportunity to respond to them.

(2) If the entity gives the commissioner a written statement in response to the comments and asks that the statement be included in the report, the commissioner must include the statement in the report.

(3) However, the commissioner is not required by subsection (2) to include a statement so far as it contains information that the commissioner considers should not be publicly disclosed on the ground that—

(a) disclosure of the information may adversely affect the outcome of an inquiry or investigation by a complaints entity or the Queensland Police Service, or an investigatory body established under a law of the Commonwealth; or

(b) the information concerns a matter before a court.

(4) Within 14 sitting days after receiving a report under this part, the Minister must table it in the Legislative Assembly.

(5) In this section—

complaints entity means any of the following—

(a) the public guardian;

(b) the ombudsman;

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(c) the human rights commissioner under the *Anti-Discrimination Act 1991*;

(d) the Crime and Corruption Commission under the *Crime and Corruption Act 2001*;

(e) the Health Ombudsman.

37 No liability for defamation if report made in good faith

It is a lawful excuse for the publication of any defamatory statement made in a report under this part that the publication is made in good faith and is, or purports to be, made for this Act.

Part 4 Child Death Review Board

Division 1 Preliminary

38 When a child death is *connected to the child protection system*

For this part, a child death is ***connected to the child protection system*** if it is a child death in relation to which an internal agency review was carried out under the *Child Protection Act 1999*, chapter 7A.

Division 2 General

Subdivision 1 Board

39 Continuation of Child Death Review Board

The Child Death Review Board established under the repealed *Family and Child Commission Act 2014*, section 29C is continued in existence under this Act.

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40 Purposes of board's reviews

(1) The board is to carry out a review relating to the child protection system following each child death connected to the system.

(2) The purposes of the review are—

(a) to consider matters relating to the provision of services to, and other interactions with, children and their families by government and non-government entities; and

(b) to identify opportunities for continuous improvement in systems, legislation, policies and practices; and

(c) to identify preventative mechanisms to help protect children and prevent deaths that may be avoidable.

(3) The review must not include an investigation of the death of any particular child.

41 Board must act independently and in public interest

(1) The board must act independently and in the public interest.

(2) Without limiting subsection (1)—

(a) the board is not subject to direction by the Minister or anyone else about how it performs its functions; and

(b) the commissioner is not subject to direction by the Minister in the performance of the commissioner's functions as the board's chairperson or as another board member.

Note—

See, however, section 55 under which the Minister may ask the board to carry out a stated review or to consider a stated system or issue as part of a review.

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Subdivision 2 Functions and powers

42 Functions

The board has the following functions—

(a) to carry out a review under section 40(1);

(b) to analyse data, and apply research, to identify patterns, trends and risk factors relevant to reviews under paragraph (a);

(c) to carry out, or engage persons to carry out, research relevant to reviews under paragraph (a);

(d) to make recommendations about—

(i) improvements to systems, policies and practices for implementation by government and non-government entities that provide services to, or otherwise interact with, children and their families; and

(ii) legislative change;

(e) to monitor the implementation of its recommendations.

43 Powers

(1) The board has the power to do anything necessary or convenient to be done for the performance of the board's functions.

(2) Without limiting subsection (1), the board may engage appropriately qualified persons to—

(a) conduct research relevant to the board's functions; or

(b) provide legal advice relevant to the board's functions; or

(c) prepare reports to help the board perform its functions.

44 Board to coordinate with other entities

The board must, in performing its functions—

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(a) avoid unnecessary duplication of the processes carried out in other entities; and

(b) to the extent it considers appropriate, coordinate its reviews and the reviews carried out by other entities.

Subdivision 3 Membership

45 Membership of board

The board consists of the chairperson and not more than 11 other members appointed by the Minister.

46 Chairperson

(1) The Minister must appoint the commissioner or a deputy commissioner as the chairperson.

(2) The chairperson is responsible for leading the board, and directing its activities, to ensure it appropriately performs its functions.

(3) The chairperson holds office for the term stated in the person's instrument of appointment as chairperson.

(4) A person's office as chairperson ends when the person—

(a) resigns office as chairperson by signed notice given to the Minister; or

(b) stops being the commissioner or a deputy commissioner.

47 Other members

(1) This section applies to the board members other than the chairperson.

(2) The Minister may appoint a person as a member of the board if satisfied the person is eligible and suitable for appointment.

(3) A person is eligible for appointment if the person—

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(a) has expertise in the field of paediatrics and child health, forensic pathology, mental health, investigations or child protection; or

(b) has expertise in litigation relating to child protection proceedings or proceedings of a similar nature; or

(c) is otherwise, because of the person's qualifications, experience or membership of an entity, likely to make a valuable contribution to the work of the board.

(4) However, a person is ineligible for appointment if the person—

(a) has a conviction for an indictable offence; or

(b) is an insolvent under administration; or

(c) is a member of the Legislative Assembly.

(5) The Minister must not appoint a person if the person does not consent to a criminal history check before appointment.

(6) Without limiting the matters to which the Minister may have regard in deciding a person's suitability for appointment, the Minister may have regard to the person's criminal history.

(7) The Minister must ensure the board's membership—

(a) reflects the social and cultural diversity of the Queensland community; and

(b) includes at least 1 Aboriginal or Torres Strait Islander person; and

(c) includes persons with a range of experience, knowledge or skills relevant to the board's functions; and

(d) does not include a majority of persons who are public service employees.

48 Deputy chairperson

(1) The Minister may appoint a board member to be the deputy chairperson.

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(2) If the chairperson is not an Aboriginal or Torres Strait Islander person, the Minister must appoint a board member who is an Aboriginal or Torres Strait Islander person as deputy chairperson.

(3) The Minister may not appoint the commissioner or a deputy commissioner as deputy chairperson.

(4) A person may be appointed as a board member and deputy chairperson at the same time.

(5) A person's office as deputy chairperson ends when the person—

(a) resigns office as deputy chairperson by signed notice given to the Minister; or

(b) stops being a board member.

(6) The deputy chairperson is to act as chairperson—

(a) during a vacancy in the office of chairperson; and

(b) during all periods when the chairperson is absent or can not perform the functions of the office.

49 Conditions of appointment

(1) A board member is to be paid the remuneration and allowances decided by the Minister.

(2) A board member who is a prescribed person under the *Public Sector Act 2022*, section 268 is not entitled to be paid remuneration for holding office as a member.

(3) For matters not provided for by this Act, a board member holds office on the terms and conditions decided by the Minister.

50 Term of appointment

(1) A board member is appointed for the term, of at least 3 years but not more than 5 years, stated in the member's instrument of appointment.

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(2) A board member may be reappointed.

51 Vacancy in office

(1) The office of a board member becomes vacant if—

(a) the member—

(i) completes the member's term of office and is not reappointed; or

(ii) resigns from office by signed notice given to the Minister; or

(iii) becomes ineligible for appointment under section 47(4); or

(b) the Minister ends the member's appointment under subsection (2).

(2) The Minister may, by signed notice given to a board member, terminate the member's appointment if—

(a) the member is absent from 3 consecutive meetings of the board without the board's permission and without reasonable excuse; or

(b) the Minister is satisfied the member is incapable of satisfactorily performing the member's functions.

52 Criminal history reports

(1) To decide if a person is ineligible from becoming or continuing as a board member, the Minister may ask the police commissioner for—

(a) a written report about the criminal history of the person; and

(b) a brief description of the circumstances of a conviction or charge mentioned in the criminal history.

(2) However, the Minister may make the request only if the person has given the Minister written consent for the request.

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(3) The police commissioner must comply with the request in relation to information in the police commissioner's possession or to which the police commissioner has access.

(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.

53 Conviction must be disclosed

(1) This section applies if a person is convicted of an indictable offence during the term of the person's appointment as a board member.

(2) The person must immediately give notice of the conviction to the Minister under this section unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

(3) The notice must include—

(a) the existence of the conviction; and

(b) when the offence was committed; and

(c) details adequate to identify the offence; and

(d) the sentence imposed on the person.

Division 3 Conduct of reviews

54 Board may carry out review

(1) The board may carry out a review for the purposes mentioned in section 40.

(2) The board must decide the extent of, and terms of reference for, each review.

(3) The board may, for example, decide to review an issue about a particular system, arising from an internal agency review.

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Note—

Under the *Child Protection Act 1999*, section 245O, the board receives the report prepared for an internal agency review following a child death.

(4) Matters that the board may consider in a review include the following—

(a) the effectiveness of, or interaction between—

(i) services that were provided to a child or a child's family before the child's death; or

(ii) services provided to children or families that could have been, but were not, provided to a child or a child's family before the child's death;

(b) issues relating to practices or systems that may expose children to risk;

(c) ways of improving practices or systems relating to identifying or responding to risks;

(d) ways of improving communication and collaboration between service providers.

(5) The terms of reference for a review must not include considering whether disciplinary action should be taken against any person.

55 Minister may ask board to carry out review

(1) In exceptional circumstances, the Minister may ask the board to carry out a stated review, or to consider a stated system or issue as part of a review, if the Minister considers it would be appropriate, having regard to the purposes of a review mentioned in section 40.

(2) The matters to which a request relates may include matters relating to the child protection system other than child deaths connected to the system.

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Example—

A request may relate to an issue arising from the serious physical injury of a child, or from a child death not connected to the child protection system, if the injury or death is relevant to the child protection system.

(3) The board must comply with the Minister's request.

(4) The board must—

(a) for a request to carry out a review—decide the extent of, and terms of reference for, the review; and

(b) after completing the review that was requested or to which the request relates—

(i) advise the Minister of the outcomes; and

(ii) if appropriate, include the outcomes in a report under section 56 or 57.

(5) This section applies despite section 41.

Division 4 Reporting

56 Annual reports about board operations

(1) By 31 October after the end of each financial year, the board must give the Minister a report of its operations during the financial year.

(2) The report may include—

(a) recommendations made under section 42(d); and

(b) information about the progress made by government or non-government entities in the implementation of previous recommendations of the board.

(3) Within 14 sitting days after receiving the report, the Minister must table a copy in the Legislative Assembly.

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57 Other reports

(1) At any time, the board may prepare a report about the outcomes of a review or another matter arising from the performance of its functions.

(2) The board may give a report to the Minister and, if so, must also give the Minister a recommendation about whether the report should be tabled in the Legislative Assembly.

(3) In deciding whether to table a report in the Legislative Assembly, the Minister must have regard to whether the report includes—

(a) personal information about an individual; or

(b) information that may prejudice the investigation of a contravention or possible contravention of the law; or

(c) anything else relevant to whether tabling the report would be in the public interest.

(4) If a report includes a matter mentioned in subsection (3)(a) or (b), or a recommendation made under section 42(d), the board must not publish the report to the public unless the Minister has tabled the report.

(5) If a matter in a report is relevant to the functions of a relevant agency, the board may give a copy of the report to the chief executive of the agency.

(6) In this section—

personal information see the *Information Privacy Act 2009*, section 12.

58 Consultation before including particular information in reports

(1) The board must not include in a report under section 56 or 57 any adverse information about an entity identifiable from the report unless the entity has been given a copy of the information and is allowed a reasonable opportunity to make a submission about it.

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(2) If an entity makes a submission under subsection (1), the board—

(a) must have regard to the submission before finalising the report; and

(b) must not include the information in the report unless the board also includes the entity's submission, or a fair summary of it, in the report.

(3) If the board proposes to recommend in a report that a particular entity take particular action, the board must consult with the entity, and any other entities likely to be affected, about the recommendation before finalising the report.

(4) In this section—

information includes comment.

59 Board may respond to internal agency review reports

(1) The board may provide comments and information to an agency head or the litigation director in response to a report received under the *Child Protection Act 1999*, section 245O.

(2) The board must not include the comments or information in a report under section 56 or 57 or another document published to the public.

Division 5 Information sharing and protection from liability

60 Underlying principle

The underlying principle of this division is that public entities should give information requested by the chairperson, for the performance of the board's functions—

(a) in a timely way; and

(b) to the extent that is appropriate, having regard to—

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(i) the relevance of the information to the board's functions; and

(ii) the effect of giving the information on the safety, wellbeing and best interests of children.

61 Requests by chairperson for information relevant to board's functions

(1) Subsection (2) applies if the chairperson considers an entity has information necessary for the performance of the board's functions under this part.

(2) The chairperson may, by notice, ask the entity to give the information to the chairperson within a stated reasonable time.

(3) The entity must comply with the request unless the entity reasonably considers the disclosure of the information—

(a) would prejudice the investigation of a contravention, or possible contravention, of the law; or

(b) would prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law; or

(c) would endanger a person's life or physical safety.

(4) However, in complying with the request, the entity and the chairperson must ensure—

(a) the information given to the chairperson relates to the board's functions under this part; and

(b) to the extent possible, the privacy of any person to whom the information relates is protected from unjustified intrusion.

(5) If the entity refuses to comply with the request, the entity must give notice to the chairperson of its reasons for the refusal.

(6) The chairperson and an entity may enter into an arrangement to facilitate the provision of information under this section.

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(7) In this section—

information includes confidential information.

62 Confidential information may be disclosed to chairperson

Any entity may disclose confidential information to the chairperson for the performance of the board's functions, whether or not the chairperson has requested the information under section 61.

Examples of entities that may disclose information—

- a public entity
- a non-government agency that provides a service to children or families
- a private hospital
- a medical practitioner
- the principal of a school
- the approved provider of an education and care service

63 Chairperson may disclose confidential information

(1) The chairperson may disclose confidential information to an entity for the performance of the board's functions, including for the purpose of—

(a) requesting information under section 61; or

(b) performing the board's functions in the way mentioned in section 44.

(2) This section does not limit section 79(3).

64 Information sharing arrangements

The chairperson may enter into an arrangement with the following entities about sharing or exchanging information under this division—

(a) the State Coroner;

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(b) the Domestic and Family Violence Death Review and Advisory Board established under the *Coroners Act 2003*, section 91C;

(c) another entity.

Example—

The chairperson may enter into an information sharing arrangement with the State Coroner that includes arrangements for obtaining investigation documents under the *Coroners Act 2003*, section 54.

65 Interaction with other laws

(1) This division does not limit a power or obligation under another Act or law to give information.

(2) This part does not permit disclosure of the identity of a notifier under the *Child Protection Act 1999*, section 186 that must not be disclosed under section 186A of that Act.

(3) Information may be given under this division despite any other law that would otherwise prohibit or restrict the giving of the information.

(4) However, if a person may claim privilege in relation to information under another Act or law, the privilege is not affected only because the information may be, or is, given under this division.

66 Protection from liability for giving information

(1) This section applies if a person, acting honestly, gives information to the chairperson under this division.

(2) The person is not liable, civilly, criminally or under an administrative process, for giving the information.

(3) Also, merely because the person gives the information, the person can not be held to have—

(a) breached any code of professional etiquette or ethics; or

(b) departed from accepted standards of professional conduct.

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(4) Without limiting subsections (2) and (3)—

(a) in a proceeding for defamation, the person has a defence of absolute privilege for publishing the information; and

(b) if the person would otherwise be required to maintain confidentiality about the information under an Act, oath or rule of law or practice, the person—

(i) does not contravene the Act, oath or rule of law or practice by giving the information; and

(ii) is not liable to disciplinary action for giving the information.

67 No liability for defamation if report made in good faith

It is a lawful excuse for the publication of any defamatory statement made in a report under this division that the publication is made in good faith and is, or purports to be, made for this Act.

Division 6 Proceedings of the board

68 Conduct of proceedings

Subject to this division, the board may conduct its proceedings, including its meetings, as it considers appropriate.

69 Meetings

(1) A board meeting may be held using any technology that reasonably allows board members to hear and take part in discussions as they happen.

(2) A board member who takes part in a meeting under subsection (1) is taken to be present at the meeting.

(3) A question at a meeting is to be decided by a majority of the votes of the board members present at the meeting.

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(4) If the votes are equal, the board member presiding has a casting vote.

(5) A resolution is a valid resolution of the board, even though it is not passed at a meeting of the board, if—

(a) at least half of the board members give written agreement to the resolution; and

(b) notice of the resolution is given under procedures approved by the board.

(6) The board may invite persons other than board members to attend a meeting to advise or inform the board about any matter.

70 Time and place of meetings

(1) The board may hold its meetings when and where it decides.

(2) The chairperson—

(a) may call a meeting at any time; and

(b) must call a meeting if asked by at least 3 other members.

71 Quorum

A quorum for a meeting is at least half of the board members, including at least 1 member who is an Aboriginal or Torres Strait Islander person.

72 Presiding at meetings

(1) The chairperson is to preside at all meetings at which the chairperson is present.

(2) If the chairperson is not present at a meeting, the deputy chairperson is to preside.

(3) If neither the chairperson nor the deputy chairperson is present at a meeting, the board member chosen by the members present is to preside.

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73 Minutes and other records

The board must keep—

(a) minutes of its meetings; and

(b) a record of its decisions and resolutions.

74 Disclosure of interests

(1) This section applies if—

(a) a board member has a direct or indirect interest in a matter being considered, or about to be considered, at a meeting; and

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

(2) As soon as practicable after the relevant facts come to the board member's knowledge, the member must disclose the nature of the interest at a meeting.

(3) Particulars of the disclosure must be recorded by the board in a register of interests kept for the purpose.

(4) Unless the board otherwise directs, the board member must not—

(a) be present when the board considers the matter; or

(b) take part in a decision of the board about the matter.

(5) The board member must not be present when the board is considering whether to give a direction under subsection (4).

(6) A contravention of this section does not invalidate a decision of the board.

(7) However, if the board becomes aware the board member contravened this section, the board must reconsider a decision made by the board in which the member took part in contravention of this section.

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75 Attendance by proxy

(1) A board member may attend a meeting of the board by proxy.

(2) The proxy holder—

(a) may participate in the meeting, but not vote, on the board member's behalf; and

(b) is not entitled to preside at the meeting only because the person is the proxy holder for the chairperson or deputy chairperson; and

(c) is not counted for the purpose of deciding whether a quorum is present under section 71.

(3) For section 51(2)(a), an absent board member is not taken to have attended a meeting only because a proxy holder for the member attended the meeting.

Part 5 Information sharing and confidentiality

Division 1 Information sharing

76 Requests by commissioner for information

(1) Subsection (2) applies if the commissioner considers a public entity has information necessary for the performance of the commissioner's functions under this Act, other than part 3.

(2) The commissioner may, by notice, ask the public entity to give the information to the commissioner within a stated reasonable time.

(3) The public entity must comply with the request unless the entity reasonably considers the giving of the information—

(a) is prohibited under an Act; or

(b) is impracticable; or

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(c) would prejudice the investigation of a contravention, or possible contravention, of the law; or

(d) would prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law; or

(e) would endanger a person's life or physical safety.

(4) If the public entity refuses to comply with the request, the entity must give notice to the commissioner stating the public entity's reasons for the refusal.

(5) This section does not apply to confidential information.

77 Compliance with other Acts

(1) To remove any doubt it is declared that—

(a) in performing a function of the commissioner under the *Child Safe Organisations Act 2024*, the commissioner must comply with chapters 4 and 5 of that Act in relation to information to which those provisions apply; and

(b) in performing a function of the commissioner under the *Disability Services Act 2006*, part 5, the commissioner must comply with part 5, division 8, subdivisions 8 and 9 of that Act in relation to information to which those provisions apply; and

(c) in performing a function of the commissioner under the *Working with Children Check Act 2000*, the commissioner must comply with chapter 8, part 6 and chapter 10, part 4 of that Act in relation to information to which those provisions apply.

(2) In this section—

function includes power.

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78 Commissioner must make guidelines

(1) The commissioner must make guidelines about the exchange of information under this part, including the ways in which information may be disclosed in compliance with other Acts mentioned in section 77.

(2) Without limiting subsection (1), the guideline may provide for—

(a) information to be asked for and given electronically on a daily basis or at other regular intervals; and

(b) information to be given by way of providing electronic access to the information.

Division 2 Confidentiality

79 Confidentiality of information

(1) If a person gains confidential information through involvement in the administration of this Act, the person must not—

(a) make a record of the information or intentionally disclose the information to anyone, other than under subsection (3); or

(b) recklessly disclose the information to anyone.

Maximum penalty—200 penalty units.

(2) A person gains information through involvement in the administration of this Act if the person gains the information because of being, or an opportunity given by being—

(a) the Minister or a member of the Minister's staff; or

(b) the commissioner; or

(c) a deputy commissioner; or

(d) a member of the board; or

(e) a staff member of the commission; or

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(f) a person consulted or employed by the commissioner for this Act; or

(g) a member of an advisory council.

(3) A person may make a record of confidential information or disclose it to someone else—

(a) if the commissioner decides the information may be disclosed under subsection (4); or

(b) under this Act; or

(c) as authorised or required under another law; or

(d) in compliance with a lawful process requiring the production of documents or giving of evidence before a court or tribunal; or

(e) with the written consent of the person to whom the information relates.

(4) The commissioner may decide to disclose confidential information to a person if the commissioner is satisfied—

(a) the disclosure is reasonably necessary—

(i) to prevent or minimise the risk of harm to anyone; or

(ii) to improve the performance of a function or service to prevent or minimise the risk of harm to anyone; and

(b) the public interest in preventing or minimising the risk of harm outweighs the need to protect the privacy of any living or dead person.

80 Confidentiality of information given by persons involved in administration of Act to other persons

(1) This section applies to a person (the ***receiver***) who is given confidential information by a person mentioned in section 79.

(2) The receiver must not use the information or disclose it to anyone else.

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Maximum penalty—200 penalty units.

(3) However, the receiver may use the information or disclose it to someone else if the use or disclosure—

(a) is authorised by the commissioner; or

(b) is otherwise required or permitted by law.

Part 6 Miscellaneous

81 Delegations

(1) The commissioner may delegate the commissioner's functions under this Act to—

(a) a deputy commissioner; or

(b) an appropriately qualified staff member of the commission.

(2) A deputy commissioner may delegate the deputy commissioner's functions under this Act to an appropriately qualified staff member of the commission.

(3) In this section—

functions includes powers.

82 Protection from civil liability

(1) An official is not civilly liable for an act done, or omission made, honestly and without negligence under this Act.

(2) If subsection (1) prevents civil liability attaching to an official, the liability attaches instead to the State.

(3) This section does not apply to an official who is a prescribed person under the *Public Sector Act 2022*, section 268.

Note—

For protection from civil liability in relation to prescribed persons under the *Public Sector Act 2022*, section 268, see section 269 of that Act.

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(4) In this section—

official means—

(a) the Minister; or

(b) the commissioner; or

(c) a deputy commissioner; or

(d) a member of an advisory council.

83 Reports

(1) As soon as practicable after the close of each financial year, but not later than 4 months after the close, the commissioner must give to the Minister a report on the administration of this Act during that financial year.

(2) The commissioner must, in relation to the commissioner's functions under this Act, include in the report for a financial year—

(a) information about the following matters for the financial year—

(i) Queensland's performance in relation to achieving State and national goals relating to the child protection system;

(ii) Queensland's performance over time in comparison to other jurisdictions;

(iii) Queensland's progress in reducing the number of, and improving the outcomes for, Aboriginal and Torres Strait Islander children and young people in the child protection system;

(iv) the performance of the commissioner's functions under the *Disability Services Act 2006*, part 5 and the *Working with Children Check Act 2000*; and

(b) details of any direction given under section 28 by the Minister in relation to the financial year; and

(c) details of any action taken by the commissioner as a result of the direction; and

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(d) details of the number of reports requested by, and provided to, the Minister during the financial year under the *Child Safe Organisations Act 2024*, section 107A, the *Disability Services Act 2006*, section 138ZLD and the *Working with Children Check Act 2000*, section 395; and

(e) any other information required by the Minister.

(3) Also, the commissioner must, in relation to the commissioner's functions under the *Child Safe Organisations Act 2024*, include in the report for a financial year information about—

(a) the performance of the commissioner's functions under chapter 2 of that Act; and

(b) the performance of the commissioner's functions under chapter 3 of that Act; and

(c) trends in the compliance by child safe entities and reporting entities with chapters 2 and 3 of that Act; and

(d) trends in the outcomes of investigations carried out under chapters 2 and 3 of that Act.

(4) In addition, the commissioner may include in a report information, opinions and recommendations about any matter relating to the commissioner's functions under this Act or the *Child Safe Organisations Act 2024*.

(5) In preparing a report, the commissioner may consult with relevant agencies the commissioner considers may be significantly affected by the report.

(6) The Minister must table a copy of the report in the Legislative Assembly within 14 sitting days after the Minister receives it.

84 Administrative and financial control

(1) To remove any doubt, it is declared that—

(a) the chief executive is, in relation to the staff of the commission, the chief executive for the purposes of the *Public Sector Act 2022*; and

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(b) the chief executive is the accountable officer for the commission for the purposes of the *Financial Accountability Act 2009*; and

(c) the commissioner and the commission are not statutory bodies for the *Financial Accountability Act 2009* or the *Statutory Bodies Financial Arrangements Act 1982*.

(2) Also, to remove any doubt, it is declared that the commissioner must do anything the chief executive requires for the performance of the chief executive's functions mentioned in subsection (1)(a) and (b).

85 Regulation-making power

The Governor in Council may make regulations under this Act.

Part 7 Repeal and transitional provisions

Division 1 Repeal

86 Repeal

The Family and Child Commission Act 2014, No. 27 is repealed.

Division 2 Transitional provisions

Subdivision 1 Preliminary

87 Definitions for division

In this division—

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former commission means the Queensland Family and Child Commission established under the repealed Act, section 6.

repealed Act means the repealed *Family and Child Commission Act 2014*.

Subdivision 2 Former commission and commissioners

88 Former commission and commissioners

(1) On the commencement—

(a) the former commission is abolished; and

(b) each commissioner of the former commission goes out of office.

(2) No compensation is payable to a person because of subsection (1)(b).

(3) To remove any doubt, it is declared that subsection (2) does not limit or otherwise affect a person's right to a benefit or entitlement that had accrued before the commencement.

89 Commissioner successor in law of former commission

(1) The commissioner is the successor in law of the former commission.

(2) Subsection (1) is not limited by a provision of this division.

90 Principal commissioner of former commission

(1) This section applies if, immediately before the commencement, a person held the office of the principal commissioner under the repealed Act, section 11(3).

(2) On the commencement, the person is taken to be appointed to act in the office of the commissioner under section 16—

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(a) until a person is appointed as commissioner under section 11; and

(b) on the same conditions of appointment on which the person held office as the principal commissioner.

91 Agreements, undertakings and other arrangements

(1) This section applies in relation to an agreement, undertaking or other arrangement—

(a) to which the principal commissioner or former commission was a party immediately before the commencement; and

(b) that is in effect on the commencement.

(2) On the commencement, the agreement, undertaking or other arrangement is taken to have been entered into by the commissioner and may be enforced against or by the commissioner.

92 Records and other documents

(1) This section applies to the records and other documents held by the former commission immediately before the commencement.

(2) On the commencement, the records and other documents become—

(a) if relevant to a function of the commissioner under this Act or another Act—the records and documents of the commissioner; and

(b) otherwise—the records and documents of the department.

93 References to former commission

In an Act or document, a reference to the former commission, or the principal commissioner or a commissioner under the

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repealed Act, is, if the context permits, taken to be a reference to the Queensland Protection Commissioner.

94 Final annual report of former commission

(1) This section applies in relation to an annual report prepared under the *Financial Accountability Act 2009* by the chief executive in relation to the administration of the repealed Act for the financial year in which this section commences.

(2) The chief executive must include in the annual report the matters the commission would have included in its annual report for the financial year under the repealed Act, section 40.

Subdivision 3 Child death register

95 Continuation of child death register

From the commencement, the register kept by the principal commissioner under the repealed Act, section 25 continues as the child death register kept by the commissioner under section 30.

96 Requests for information by principal commissioner

(1) This section applies if—

(a) before the commencement, the principal commissioner asked a public entity to give information under the repealed Act, section 27; and

(b) immediately before the commencement—

(i) the public entity had not complied with the request; and

(ii) the time for complying with the request had not ended.

Authorised by the Parliamentary Counsel

(2) On the commencement, the request for information is taken to be a request for information made by the commissioner under section 32.

97 Access to information consented to by principal commissioner

(1) This section applies to a consent given by the principal commissioner under the repealed Act, section 28 that, immediately before the commencement, was still in effect.

(2) From the commencement, the consent, including any conditions imposed on the consent under the repealed Act, section 28(5), continues in effect as if it were a consent given under section 33.

98 First report about child death register

(1) This section applies to the first report required to be given under section 34 after the commencement.

(2) For section 34—

(a) a reference to the activities or recommendations of the commissioner for the previous financial year is taken to include a reference to the activities or recommendations of the principal commissioner under the repealed Act; and

(b) a reference to a person given access under section 33 for the previous financial year is taken to include a reference to a person who was given access under the repealed Act, section 28.

Subdivision 4 Child death review board

99 Information sharing arrangements

(1) This section applies to an arrangement made between the chairperson and an entity under the repealed Act, section 29R.

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(2) From the commencement, the arrangement continues as an arrangement under section 64.

(3) In a document relating to the arrangement, a reference to the principal commissioner under the repealed Act may be taken, if the context permits, to be a reference to the commissioner.

100 Annual report of board and submissions

(1) This section applies to the first annual report required to be given under section 56 after the commencement.

(2) For section 56(2), a reference to a recommendation made under section 42(d) is taken to include a reference to a recommendation made under the repealed Act, section 29D(d).

(3) Also, a submission by an entity in relation to adverse information made to the board in relation to a report before the commencement is taken to have been made to the board under section 58(2).

Subdivision 5 Other matters

101 First report by commissioner

Despite section 83—

(a) the commissioner need not comply with section 83 until the close of the financial year ending on 30 June 2028; and

(b) the report must relate to the commissioner's functions mentioned in that section for the period starting on the commencement and ending on 30 June 2028.

102 Proceedings for particular offences

(1) This section applies in relation to an offence against a relevant provision committed by a person before the commencement.

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(2) Without limiting the *Acts Interpretation Act 1954*, section 20, a proceeding for the offence may be continued or started, and the person may be convicted of and punished for the offence, as if section 86 had not commenced.

(3) Subsection (2) applies despite the Criminal Code, section 11.

(4) In this section—

relevant provision means each of the following provisions of the repealed Act—

(a) section 36(1);

(b) section 37(2).

103 Advisory councils

(1) This section applies to an advisory council established under the repealed Act, section 30 that, immediately before the commencement, had not been dissolved.

(2) From the commencement—

(a) the advisory council continues in existence and is taken to be an advisory council established under section 21; and

(b) each appointed member of the advisory council continues as an appointed member of the advisory council for the term, and on the terms and conditions, applying to the member immediately before the commencement.

Subdivision 6 Transitional regulations

104 Transitional regulation-making power

(1) A regulation (a ***transitional regulation***) may make provision about a matter for which—

(a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the

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operation of the repealed Act, and the Acts amended by part 8 (the ***amended Acts***), before the commencement, to the operation of this Act and the amended Acts after the commencement; and

(b) this Act does not provide or sufficiently provide.

(2) A transitional regulation may have retrospective operation to a day not earlier than the day this section commences.

(3) A transitional regulation must declare it is a transitional regulation.

(4) This section and any transitional regulation expire on the day that is 2 years after the day this section commences.

Part 8 Legislation amended

Division 1 Amendment of this Act

105 Act amended

This division amends this Act.

106 Amendment of long title

Long title, from ‘, to repeal’—

omit.

Division 2 Amendment of Child Safe Organisations Act 2024

107 Act amended

This division amends the *Child Safe Organisations Act 2024*.

Note—

See also the amendments in schedule 2.

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108 Amendment of s 34 (Head of reporting entity must notify commission of reportable allegation or reportable conviction relating to worker)

(1) Section 34, heading, ‘commission’—

omit, insert—

protection commissioner

(2) Section 34(2), penalty, ‘100’—

omit, insert—

150

(3) Section 34(2), (3) and (4), ‘commission’—

omit, insert—

protection commissioner

(4) Section 34(3), penalty, ‘100’—

omit, insert—

150

109 Amendment of s 37 (Report by head of reporting entity)

(1) Section 37(1) and (3)(b), ‘commission’—

omit, insert—

protection commissioner

(2) Section 37(3)(b), ‘commission’s’—

omit, insert—

commissioner’s

(3) Section 37(1), penalty, ‘100’—

omit, insert—

150

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110 Amendment of ch 4, hdg (Disclosure of information and confidentiality)

Chapter 4, heading, ‘of information and confidentiality’—

omit, insert—

and use of information

111 Amendment of s 51 (Disclosure of findings of reportable conduct to chief executive (working with children))

(1) Section 51, heading—

omit, insert—

51 Use of findings of reportable conduct by commissioner

(2) Section 51(1), ‘commission’—

omit, insert—

protection commissioner

(3) Section 51(2), from ‘commission’ to ‘matters’—

omit, insert—

protection commissioner may use information about the following matters to perform a working with children check function in relation to the individual

(4) Section 51(2)(e), from ‘the functions’—

omit, insert—

the working with children check function.

(5) Section 51(3)—

omit.

112 Insertion of new s 51A

After section 51—

insert—

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51A Disclosure of reportable allegations

(1) This section applies to a reportable allegation, or a finding about a reportable allegation made in an interim report, made in relation to an individual that is received by the commission before—

(a) a finding about the allegation is made; or

(b) the commission becomes aware a finding about the allegation is made.

(2) The commission may disclose information about the reportable allegation or finding to the chief executive (working with children) if the commission reasonably believes the information is relevant to a function of the chief executive (working with children).

113 Amendment of s 51A (Disclosure of allegations of reportable conduct and interim findings)

(1) Section 51A(1), as inserted by this Act, 'commission'—

omit, insert—

protection commissioner

(2) Section 51A(2), as inserted by this Act—

omit, insert—

(2) The protection commissioner may use information about the allegation or interim finding to perform the commissioner's working with children check functions in relation to the person.

114 Insertion of new s 54A

After section 54—

insert—

Authorised by the Parliamentary Counsel

54A Information may be used for protection commissioner's other functions

(1) The protection commissioner may use information gained through involvement in the administration of this Act to perform the commissioner's disability worker screening functions or working with children check functions, if the commissioner reasonably believes—

(a) the information relates to whether a person poses a risk to the safety of children or a person with disability; and

(b) the information is relevant to the performance of the functions.

(2) This section applies despite any other Act or law, including a law imposing an obligation to maintain confidentiality about the information.

115 Amendment of s 56 (Confidentiality of information)

(1) Section 56(2)(b)—

omit, insert—

(b) the protection commissioner; or

(ba) a deputy commissioner; or

(2) Section 56(2)(ba) to (d)—

renumber as section 56(2)(c) to (e).

(3) Section 56(4), from 'A commissioner' to 'the commissioner'—

omit, insert—

The protection commissioner or a deputy commissioner may decide confidential information may be disclosed to a person if the commissioner or deputy commissioner

(4) Section 56—

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insert—

(4A) A person to which this section applies may use, disclose or give access to confidential information about a person for performing the protection commissioner's disability worker screening functions or working with children check functions, if the person reasonably believes—

(a) the confidential information relates to whether a person poses a risk to the safety of children or a person with disability; and

(b) the confidential information is relevant to the performance of the functions.

(5) Section 56(5), definition *permitted use*, paragraph (b)—

omit, insert—

(b) a disclosure or use permitted under subsection (4) or (5); or

(6) Section 56(4A) and (5)—

renumber as section 56(5) and (6).

116 Amendment of s 57 (Confidentiality of information given by persons involved in administration of Act to other persons)

Section 57(3), 'section 56(5)'—

omit, insert—

section 56(6)

117 Amendment of s 102 (Giving official false or misleading information)

Section 102(1), penalty—

omit, insert—

Maximum penalty—200 penalty units or 2 years imprisonment.

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118 Insertion of new s 107A

After section 107—

insert—

107A Reports by protection commissioner

(1) The protection commissioner may provide the Minister with a report relating to the administration of this Act, including the performance and exercise of the commissioner's functions and powers under this Act.

(2) The protection commissioner must provide the Minister with a report of a type mentioned in subsection (1) if the Minister asks for it.

Note—

See also the *Queensland Protection Commission Act 2026*, section 83 in relation to the requirement to report details of requests made under this subsection.

(3) A report under this section—

(a) may relate to matters generally or to a particular matter; or

(b) may include confidential information obtained in the administration of this Act.

119 Insertion of new ch 9, pt 1, hdg

After chapter 9, heading—

insert—

Part 1 Transitional provisions for Act No. 49 of 2024

120 Insertion of new ch 9, pt 2

Chapter 9—

insert—

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Part 2 Transitional provisions for Queensland Protection Commission Act 2026

Division 1 Preliminary

113 Definitions for part

In this part—

amended Act means this Act as in force from the commencement.

former, in relation to a provision of this Act, means the provision as in force from time to time before the commencement.

former commission means the Queensland Family and Child Commission established under the repealed *Family and Child Commission Act 2014*, section 6.

new, in relation to a provision of this Act, means the provision as in force from the commencement.

Division 2 Provisions relating to former commission

114 Enforceable undertakings

(1) This section applies if, before the commencement, the former commission accepted an enforceable undertaking from a child safe entity under former chapter 2, part 3, division 3.

(2) On the commencement, the enforceable undertaking is taken to be an enforceable

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undertaking accepted by the protection commissioner under new chapter 2, part 3, division 3.

(3) Anything done by or in relation to the former commission in relation to the enforceable undertaking is taken to have been done by or in relation to the protection commissioner.

115 Things done or started by former commission

(1) This section applies to anything done or started by the former commission before the commencement under former chapter 2 or 3—

(a) whose effect had not ended, or that had not been finished, immediately before the commencement; and

(b) that, on the commencement, is something the protection commissioner can do under this Act; and

(c) that is not otherwise dealt with under this division.

Examples of things done or started by the former commission—

- the giving of a direction to conduct a self-assessment under former section 16
- the giving of a compliance notice under former section 18
- the starting of an investigation under former section 43

(2) The thing done or started by the former commission—

(a) continues to have effect; and

(b) from the commencement, is taken to have been done or started by the protection commissioner; and

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(c) for a thing started by the former commission—may be completed by the commissioner under new chapter 2 or 3.

116 Protection commissioner may deal with pre-commencement matters

The protection commissioner may perform a function or exercise a power under this Act in relation to a matter even if the matter happened or arose before the commencement.

117 Exemptions from complying with ch 3, pt 3

(1) This section applies if—

(a) before the commencement, the former commission exempted a reporting entity from complying with a requirement under former section 39; and

(b) immediately before the commencement, the exemption was in effect.

(2) From the commencement, the exemption is taken to have been given by the protection commissioner and continues in effect as an exemption made under new section 39.

118 Requests for information by former commission

(1) This section applies if—

(a) before the commencement, the former commission asked the director of public prosecutions or the police commissioner for information under former section 52; and

(b) immediately before the commencement, the request had not been complied with.

(2) From the commencement, the request is taken to

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have been made by the protection commissioner under new section 52.

119 Authorised officers

(1) This section applies to a person who, immediately before the commencement, held an appointment as an authorised officer under former section 64.

(2) The person continues as an authorised officer on the same terms of appointment that applied to the person immediately before the commencement as if the person had been appointed by the protection commissioner under new section 64.

(3) The identity card issued to the person under former section 68 is taken to be an identity card issued under new section 68 until the earlier of the following—

(a) another identity card is issued to the person by the protection commissioner under new section 68;

(b) the card expires.

Division 3 Internal reviews, external reviews and appeals

120 Internal reviews not started on commencement

(1) This section applies if—

(a) before the commencement—

(i) the former commission made a reviewable decision about a person; and

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(ii) the person had not applied for an internal review of the decision under former section 99; and

(b) on the commencement, the time for starting the internal review of the decision had not ended.

(2) From the commencement—

(a) the amended Act applies in relation to the subject matter of the internal review; and

(b) the person may apply for an internal review of the decision under new section 99 as if the reviewable decision were made by the protection commissioner.

121 External reviews not started on commencement

(1) This section applies if—

(a) before the commencement—

(i) a person was entitled to be given a QCAT information notice for an internal review decision under former section 100; and

(ii) the person had not applied for an external review under former section 101; and

(b) on the commencement, the time for starting the external review of the decision had not ended.

(2) From the commencement—

(a) the amended Act applies in relation to the subject matter of the external review; and

(b) the person may apply for an external review under new section 101 as if the reviewable decision the subject of the internal review

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decision were made by the protection commissioner.

122 Undecided internal and external reviews

(1) This section applies if, immediately before the commencement, an application made by a person under former section 99 or 101 for a reviewable decision had not been decided or withdrawn.

(2) From the commencement, the review may be continued as if the reviewable decision were made by the protection commissioner.

(3) The entity deciding the review must apply the amended Act in relation to the subject matter of the review.

123 Appeals not started on commencement

(1) This section applies if—

(a) before the commencement, the former commission had a right to appeal, under the QCAT Act, against a decision of QCAT relating to a reviewable decision; and

(b) on the commencement, the time for starting an appeal had not ended.

(2) From the commencement, the protection commissioner may start an appeal against the decision of QCAT as if the reviewable decision were made by the protection commissioner.

(3) The entity hearing the appeal must apply the amended Act in relation to the subject matter of the appeal.

124 Undecided appeals

(1) This section applies if, immediately before the commencement, an appeal against a decision of

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QCAT relating to a reviewable decision started by the former commission under the QCAT Act had not been decided or withdrawn.

(2) From the commencement, the appeal may be continued as if the reviewable decision were made by the protection commissioner.

(3) The entity hearing the appeal must apply the amended Act in relation to the subject matter of the appeal.

121 Amendment of sch 3 (Dictionary)

(1) Schedule 3, definitions *commission*, *commissioner* and *principal commissioner*—

omit.

(2) Schedule 3—

insert—

commission means the Queensland Protection Commission established under the *Queensland Protection Commission Act 2026*, section 9.

deputy commissioner means a deputy commissioner under the *Queensland Protection Commission Act 2026*.

disability worker screening functions means the functions of the protection commissioner under the *Disability Services Act 2006*.

protection commissioner means the commissioner under the *Queensland Protection Commission Act 2026*.

working with children check functions means the functions of the protection commissioner under the *Working with Children Check Act 2000*.

(3) Schedule 3—

insert—

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chief executive (working with children) means the chief executive of the department in which the *Working with Children Check Act 2000* is administered.

Division 3 Amendment of Disability Services Act 2006

122 Act amended

This division amends the *Disability Services Act 2006*.

Note—

See also the amendments in schedule 2.

123 Amendment of s 40 (Main purposes of part)

(1) Section 40(a), after 'scheme'—

insert—

administered by the protection commissioner

(2) Section 40(c), 'chief executive'—

omit, insert—

protection commissioner

124 Amendment of s 67 (Application combined with working with children check application)

Section 67(4)—

omit, insert—

(4) If a combined application is made to the protection commissioner, the commissioner may, to the extent the information in the combined application relates to the person's working with children check application, use the information for performing the commissioner's working with

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children check functions.

125 Amendment of s 77 (Request to withdraw combined application)

Section 77(5)—

omit, insert—

(5) If a combined withdrawal request is made to the protection commissioner, the commissioner may, to the extent the information in the combined application relates to the combined withdrawal request, use the information for performing the commissioner's working with children check functions.

126 Omission of s 138ZG (Giving information to chief executive (working with children))

Section 138ZG—

omit.

127 Amendment of s 138ZLA (Confidentiality of police, disciplinary, mental health and other protected information)

(1) Section 138ZLA(3)(e) and (f), 'chief executive'—

omit, insert—

protection commissioner

(2) Section 138ZLA(4), after 'subsection (5)'—

insert—

or (6)

(3) Section 138ZLA(5)(a), 'chief executive's'—

omit, insert—

protection commissioner's

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(4) Section 138ZLA(5)—

insert—

(da) is permitted under section 138ZLCA; or

(5) Section 138ZLA(5)(da) and (e)—

renumber as section 138ZLA(5)(e) and (f).

(6) Section 138ZLA—

insert—

(6) Also, a person to which this section applies may use the protected information, or disclose or give access to the protected information to another person for performing the protection commissioner's child safe functions if the person reasonably believes—

(a) the protected information relates to whether a person poses a risk to the safety of children or a person with disability; and

(b) the protected information is relevant to the performance of the functions.

128 Amendment of s 138ZLB (Confidentiality of other information obtained for screening purposes)

(1) Section 138ZLB(1)(a)(ii), 'employed in the department'—

omit.

(2) Section 138ZLB(2), after 'subsection (3)'—

insert—

or (4)

(3) Section 138ZLB(3)—

insert—

(ba) is permitted under section 138ZLCA; or

(4) Section 138ZLB(3)(ba) to (g)—

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renumber as section 138ZLB(3)(c) to (h).

(5) Section 138ZLB—

insert—

(4) Also, a person to which this section applies may use the screening information, or disclose or give access to the screening information to another person for performing the protection commissioner's child safe functions, if the person reasonably believes—

(a) the screening information relates to whether a person poses a risk to the safety of children or a person with disability; and

(b) the screening information is relevant to the performance of the functions.

129 Insertion of new s 138ZLCA

After section 138ZLC—

insert—

138ZLCA Use of information for working with children check functions

(1) The protection commissioner may use information obtained for the screening of a person under this part to perform the commissioner's working with children check functions in relation to the person if the commissioner reasonably believes the information is relevant to the performance of the functions.

(2) Without limiting subsection (1), the information that may be used includes—

(a) information about a disability worker screening application made by a person; and

(b) information about a clearance, interstate NDIS clearance, exclusion or interstate NDIS exclusion held by a person; and

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(c) police information about a person, including investigative information; and

(d) information related to police information about a person, including a section 93A transcript and a transcript of a recorded statement; and

(e) disciplinary information or NDIS disciplinary or misconduct information about a person; and

(f) information about a person's mental health.

(3) This section applies despite any other Act or law, including a law imposing an obligation to maintain confidentiality about the information.

130 Amendment of s 138ZLD (Reports by chief executive)

(1) Section 138ZLD, heading, 'chief executive'—

omit, insert—

protection commissioner

(2) Section 138ZLD(1), from 'The' to 'executive's'—

omit, insert—

The protection commissioner may provide the Minister with a report relating to the administration of this part, including the performance and exercise of the commissioner's

(3) Section 138ZLD(2), 'chief executive'—

omit, insert—

protection commissioner

(4) Section 138ZLD(2)—

insert—

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Note—

See also the *Queensland Protection Commission Act 2026*, section 83 in relation to the requirement to report details of requests made under this subsection.

(5) Section 138ZLD(4)—

omit.

131 Omission of s 138ZN (Arrangements with chief executive (working with children) about asking for and giving information)

Section 138ZN—

omit.

132 Insertion of new s 235A

After section 235—

insert—

235A Delegation by protection commissioner

(1) The protection commissioner may delegate the commissioner's powers under part 5 to an appropriately qualified person who is a staff member of the commission.

(2) In this section—

commission means the Queensland Protection Commission established under the *Queensland Protection Commission Act 2026*, section 9.

133 Amendment of s 236 (Protecting officials from liability)

(1) Section 236(3)—

insert—

deputy commissioner means a deputy commissioner under the *Queensland Protection Commission Act 2026*.

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(2) Section 236(3), definition *official*—

insert—

(ba) the protection commissioner; or

(bb) a deputy commissioner; or

(3) Section 236(3), definition *official*, paragraphs (ba) to (e)—

renumber as paragraphs (c) to (g).

134 Insertion of new pt 9, div 15

Part 9—

insert—

Division 15 Transitional provisions for Queensland Protection Commission Act 2026

Subdivision 1 Preliminary

394 Definitions for division

In this division—

amended Act means this Act as in force from the commencement.

former, in relation to a provision of this Act, means the provision as in force from time to time before the commencement.

new, in relation to a provision of this Act, means the provision as in force from the commencement.

Subdivision 2 Applications, requests and things done

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395 Existing applications and requests made to chief executive

(1) This section applies if—

(a) before the commencement, a disability worker screening application or request to withdraw an application was made under former part 5; and

(b) immediately before the commencement, the application or request had not been decided.

(2) The application or request is taken to have been made to, and must be dealt with by, the protection commissioner under new part 5.

(3) Anything done by or in relation to the chief executive in relation to the application or request is taken to have been done by or in relation to the protection commissioner.

396 Things done or started by the chief executive

(1) This section applies to anything done or started by the chief executive before the commencement under former part 5—

(a) whose effect had not ended, or that had not been finished, immediately before the commencement; and

(b) that, on the commencement, is something the protection commissioner can do under new part 5; and

(c) that is not otherwise dealt with under this division.

(2) The thing done or started by the chief executive—

(a) continues to have effect; and

(b) from the commencement, is taken to have been done or started by the protection commissioner; and

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(c) for a thing started by the chief executive—may be completed by the protection commissioner under new part 5.

397 Requirements of chief executive

(1) This section applies if—

(a) before the commencement, the chief executive was required under former part 5 to do something in relation to—

(i) a disability worker screening application; or

(ii) a clearance; and

(b) on the commencement, the period within which the chief executive was required to do the thing has not passed.

(2) The commissioner must do the thing under new part 5 in relation to the disability worker screening application or the clearance.

(3) This section does not limit another provision of this division.

Subdivision 3 Information sharing arrangements

398 Information sharing arrangements

(1) This section applies to an arrangement entered into between the chief executive and an entity under former part 5, division 8, subdivision 9.

(2) From the commencement, the arrangement continues to have effect as an arrangement made under new part 5, division 8, subdivision 9 as if the arrangement were entered into between the protection commissioner and the entity.

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(3) In a document relating to the arrangement, a reference to the chief executive may be taken, if the context permits, to be a reference to the protection commissioner.

Subdivision 4 Reviews and appeals

399 Internal reviews not started on commencement

(1) This section applies if—

(a) before the commencement—

(i) the chief executive made a reviewable decision about a person; and

(ii) the person had not applied for an internal review of the decision under former section 138ZT; and

(b) on the commencement, the time for starting the internal review of the decision had not ended.

(2) From the commencement—

(a) the amended Act applies in relation to the subject matter of the internal review; and

(b) the person may apply for an internal review under new section 138ZT as if the reviewable decision were made by the protection commissioner.

400 External reviews not started on commencement

(1) This section applies if—

(a) before the commencement—

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(i) a person was entitled to be given a QCAT information notice for an internal review decision under former section 138ZV; and

(ii) the person had not applied for an external review under former section 138ZW; and

(b) on the commencement, the time for starting the external review of the decision had not ended.

(2) From the commencement—

(a) the amended Act applies in relation to the subject matter of the external review; and

(b) the person may apply for an external review under new section 138ZW as if the reviewable decision the subject of the internal review decision were made by the protection commissioner.

401 Undecided internal and external reviews

(1) This section applies if, immediately before the commencement, an application made by a person under former section 138ZT or 138ZW for a reviewable decision had not been decided or withdrawn.

(2) From the commencement, the review may be continued as if the reviewable decision were made by the protection commissioner.

(3) The entity deciding the review must apply the amended Act in relation to the subject matter of the review.

402 Appeals not started on commencement

(1) This section applies if—

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(a) before the commencement, the chief executive had a right to appeal, under the QCAT Act, against a decision of QCAT relating to a reviewable decision; and

(b) on the commencement, the time for starting an appeal had not ended.

(2) From the commencement, the protection commissioner may start an appeal against the decision of QCAT as if the reviewable decision were made by the commissioner.

(3) The entity hearing the appeal must apply the amended Act in relation to the subject matter of the appeal.

403 Undecided appeals

(1) This section applies if, immediately before the commencement, an appeal against a decision of QCAT relating to a reviewable decision started by a person under the QCAT Act had not been decided or withdrawn.

(2) From the commencement, the appeal may be continued as if the reviewable decision were made by the protection commissioner.

(3) The entity hearing the appeal must apply the amended Act in relation to the subject matter of the appeal.

135 Amendment of sch 8 (Dictionary)

(1) Schedule 8, definitions *chief executive's screening functions* and *chief executive (working with children)*—

omit.

(2) Schedule 8—

insert—

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child safe functions means the functions of the protection commissioner under the *Child Safe Organisations Act 2024*.

commissioner's screening functions means the protection commissioner's functions under part 5.

protection commissioner means the commissioner under the *Queensland Protection Commission Act 2026*.

working with children check functions means the functions of the commissioner under the *Working with Children Check Act 2000*.

(3) Schedule 8, definition *approved way*, paragraph (a), 'chief executive'—

omit, insert—

protection commissioner

(4) Schedule 8, definition *approved way*, paragraph (b)(i), 'department's'—

omit, insert—

protection commissioner's

(5) Schedule 8, definition *NDIS disciplinary or misconduct information*, paragraph (a), 'chief executive'—

omit, insert—

protection commissioner

Division 4 Amendment of Working with Children Check Act 2000

136 Act amended

This division amends the *Working with Children Check Act 2000*.

Authorised by the Parliamentary Counsel

Note—

See also the amendments in schedule 2.

137 Amendment of s 8 (Chief executive's main functions)

(1) Section 8, heading, 'Chief executive's main'—

omit, insert—

Protection commissioner's

(2) Section 8, 'chief executive's main functions'—

omit, insert—

functions of the protection commissioner

138 Amendment of s 15 (What is a *serious offence*)

(1) Section 15(1)—

insert—

(aa) an offence against a provision of an Act of the Commonwealth prescribed by regulation for this definition; or

(2) Section 15(1)(b) to (e), after '(a)'—

insert—

or (b)

(3) Section 15(1)(g), 'paragraph (a) to (f)'—

omit, insert—

paragraph (a), (b), (c), (d), (e), (f) or (g)

(4) Section 15(1)(aa) to (g)—

renumber as section 15(1)(b) to (h).

(5) Section 15(4), from 'mentioned in' to 'for an Act'—

omit, insert—

of an Act mentioned in schedule 2 or 3, column 1 or a regulation made under subsection (1)(b)

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139 Amendment of s 16 (What is a *disqualifying offence*)

(1) Section 16(1)—

insert—

(aa) an offence against a provision of an Act of the Commonwealth prescribed by regulation for this definition; or

(2) Section 16(1)(b) to (e), after '(a)'—

insert—

or (b)

(3) Section 16(1)(f), 'paragraph (a) to (e)'—

omit, insert—

paragraph (a), (b), (c), (d), (e) or (f)

(4) Section 16(1)(aa) to (f)—

renumber as section 16(1)(b) to (g).

(5) Section 16(4), from 'mentioned in' to 'for an Act'—

omit, insert—

of an Act mentioned in schedule 4 or 5, column 1 or a regulation made under subsection (1)(b)

140 Amendment of s 187A (Application combined with disability worker screening application)

Section 187A(4)—

omit, insert—

(4) If a combined application is made to the protection commissioner, the commissioner may, to the extent the information in the combined application relates to the applicant's disability worker screening application, use the information for performing the commissioner's disability worker screening functions.

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141 Amendment of s 196A (Withdrawal of combined application)

Section 196A(5)—

omit, insert—

(5) If a combined withdrawal request is made to the protection commissioner, the commissioner may, to the extent the information in the combined application relates to the withdrawal request, use the information for performing the commissioner's disability worker screening functions.

142 Amendment of s 238 (Term of working with children authority)

(1) Section 238(1) and (3), 'chief executive'—

omit, insert—

protection commissioner

(2) Section 238(2), 'The chief executive'—

omit, insert—

The protection commissioner

(3) Section 238(2)(a), 'chief executive (disability worker screening)'—

omit, insert—

protection commissioner under the *Disability Services Act 2006*, part 5

143 Amendment of s 239 (Term of exemption)

(1) Section 239(1) and (3), 'chief executive'—

omit, insert—

protection commissioner

(2) Section 239(2), 'The chief executive'—

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omit, insert—

The protection commissioner

(3) Section 239(2)(a), 'chief executive (disability worker screening)'

omit, insert—

protection commissioner under the *Disability Services Act 2006*, part 5

144 Amendment of ch 8, pt 6, div 4, hdg (Obtaining information from interstate police commissioner, working with children check national reference system or interstate screening unit)

Chapter 8, part 6, division 4, heading, from 'working with'—

omit, insert—

interstate screening unit or the ACC

145 Amendment of s 320 (Requesting further information about interstate convictions and charges)

Section 320(1), from 'about' to 'division 2'—

omit, insert—

, or national policing information, about a person obtained under division 2 or section 320C

146 Insertion of new s 320C

After section 320B—

insert—

320C Requesting information or accessing records held by ACC

(1) The chief executive may ask the ACC for information, or access to the ACC's records, to enable the chief executive to learn what, if any, national policing information exists in relation to

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a person mentioned in section 310.

(2) The chief executive may give information about the person to the ACC for a request under subsection (1).

147 Amendment of s 320C (Requesting information or accessing records held by ACC)

Section 320C, as inserted by this Act, 'chief executive'—

omit, insert—

protection commissioner

148 Amendment of s 343A (Requirement to notify Family and Child Commission of negative notice)

(1) Section 343A, heading—

omit, insert—

343A Information relevant to protection commissioner's child safe functions

(2) Section 343A(1)(b), 'chief executive'—

omit, insert—

protection commissioner

(3) Section 343A(2)—

omit, insert—

(2) the protection commissioner may use information about the issuing or cancelling of the negative notice for performing the protection commissioner's child safe functions.

149 Omission of s 344 (Giving information to chief executive (disability worker screening))

Section 344—

omit.

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150 Amendment of s 345B (Giving information to ACC)

Section 345B, heading, after 'ACC'—

insert—

for working with children check national reference system

151 Insertion of new s 345BA

After section 345B—

insert—

345BA Giving information to ACC for performance of particular functions

(1) The chief executive may give information about a person to the ACC—

(a) under an arrangement between the chief executive and the ACC for the performance of the ACC's functions under the *Australian Crime Commission Act 2002* (Cwlth), section 7A(fa); or

(b) if the chief executive reasonably believes the information is otherwise relevant to the functions of the ACC mentioned in paragraph (a).

(2) In this section—

information includes confidential information.

152 Amendment of s 345BA (Giving information to ACC for performance of particular functions)

Section 345BA, as inserted by this Act, 'chief executive'—

omit, insert—

protection commissioner

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153 Amendment of s 351 (False or misleading disclosure)

Section 351, penalty, ‘100’—

omit, insert—

200

154 Amendment of s 352 (False or misleading documents)

Section 352(1), penalty, ‘100’—

omit, insert—

200

155 Amendment of s 370B (Obtaining information from persons)

Section 370B(3), penalty, ‘50’—

omit, insert—

100

156 Amendment of s 384 (Confidentiality of protected information)

(1) Section 384(1)(a)(i), ‘employed in the department’—

omit.

(2) Section 384(1)(b)(vi)—

omit, insert—

(vi) other information that the protection commissioner has considered in making an employment-screening decision about the person.

Examples of other information about a person—

- information about the person used in the performance of the protection commissioner’s disability worker screening functions

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- information about the person given to the protection commissioner by an interstate screening unit

(3) Section 384(3), after ‘subsection (4)’—

insert—

or (5)

(4) Section 384(4)—

insert—

(ca) is permitted under section 386; or

(5) Section 384(4)(ca) to (f)—

renumber as section 384(4)(d) to (g).

(6) Section 384—

insert—

(5) A person to which this section applies may use the protected information or disclose or give access to the protected information to another person for performing the protection commissioner’s child safe functions, if the person reasonably believes—

(a) the protected information relates to whether a person poses a risk to the safety of children or a person with disability; and

(b) the protected information is relevant to the performance of the functions.

157 Amendment of s 385 (Confidentiality of other information)

(1) Section 385(3), after ‘subsection (4)’—

insert—

or (5)

(2) Section 385(4)—

insert—

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(ba) is permitted under section 386; or

(3) Section 385(4)(ba) to (g)—

renumber as section 385(4)(c) to (h).

(4) Section 385—

insert—

(5) A person to which this section applies may use the confidential information or disclose or give access to the confidential information to another person for performing the protection commissioner's child safe functions, if the person reasonably believes—

(a) the confidential information relates to whether a person poses a risk to the safety of children or a person with disability; and

(b) the confidential information is relevant to the performance of the functions.

158 Insertion of new s 386

After section 385—

insert—

386 Use of information for disability worker screening functions

(1) The protection commissioner may use information obtained for the screening of a person under this Act to perform the commissioner's disability worker screening functions in relation to the person if the commissioner reasonably believes the information is relevant to the disability worker screening functions.

(2) Without limiting subsection (1), the information that may be used includes—

(a) information about a working with children check application made by a person; and

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(b) information about a working with children authority or negative notice held by a person; and

(c) police information, domestic violence information, disciplinary information or adverse interstate WWC information about a person; and

(d) information related to police information about a person, including a section 93A transcript and a transcript of a recorded statement; and

(e) information about a person's mental health.

(3) This section applies despite any other Act or law, including a law imposing an obligation to maintain confidentiality about the information.

159 Amendment of s 393 (Protection from liability)

(1) Section 393(3), definition *official*—

insert—

(aa) the protection commissioner; or

(ab) a deputy commissioner; or

(2) Section 393(3), definition *official*, paragraphs (aa) to (c)—

renumber as paragraphs (b) to (e).

(3) Section 393(3)—

insert—

deputy commissioner means a deputy commissioner under the *Queensland Protection Commission Act 2026*.

160 Amendment of s 395 (Reports by chief executive)

(1) Section 395, heading, 'chief executive'—

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omit, insert—

protection commissioner

(2) Section 395(1) and (2), 'chief executive'—

omit, insert—

protection commissioner

(3) Section 395(1), 'chief executive's'—

omit, insert—

commissioner's

(4) Section 395(2)—

insert—

Note—

See also the *Queensland Protection Commission Act 2026*, section 83 in relation to the requirement to report details of requests made under this subsection.

(5) Section 395(4)—

omit.

161 Insertion of new ch 11, pt 24

Chapter 11—

insert—

Part 24 Transitional provisions for Queensland Protection Commission Act 2026

Division 1 Preliminary

Authorised by the Parliamentary Counsel

637 Definitions for part

In this part—

amended Act means this Act as in force from the commencement.

former, in relation to a provision of this Act, means the provision as in force from time to time before the commencement.

new, in relation to a provision of this Act, means the provision as in force from the commencement.

Division 2 Applications, requests and things done

638 Existing applications and requests made to chief executive

(1) This section applies if—

(a) before the commencement, a working with children check application or request to withdraw an application was made under former chapter 8; and

(b) immediately before the commencement, the application or request had not been decided.

(2) The application or request is taken to have been made to, and must be dealt with by, the protection commissioner under new chapter 8.

(3) Anything done by or in relation to the chief executive in relation to the application or request is taken to have been done by or in relation to the protection commissioner.

639 Things done or started by the chief executive

(1) This section applies to anything done or started by

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the chief executive before the commencement under former chapter 8, 8A or 10—

(a) whose effect had not ended, or that had not been finished, immediately before the commencement; and

(b) that, on the commencement, is something the protection commissioner can do under new chapter 8, 8A or 10; and

(c) that is not otherwise dealt with under this part.

(2) The thing done or started by the chief executive—

(a) continues to have effect; and

(b) from the commencement, is taken to have been done or started by the protection commissioner; and

(c) for a thing started by the chief executive—may be completed by the protection commissioner under new chapter 8, 8A or 10.

640 Requirements of chief executive

(1) This section applies if—

(a) before the commencement, the chief executive was required under former chapter 8 to do something in relation to—

(i) a working with children check application; or

(ii) a working with children check authority; and

(b) immediately before the commencement, the thing had not been done; and

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(c) on the commencement, the period within which the chief executive was required to do the thing has not passed.

(2) The protection commissioner must, under new chapter 8, do the thing in relation to the working with children check application or the working with children check authority.

(3) This section does not limit another provision of this part.

641 Particular disciplinary information received by chief executive before commencement

(1) This section applies in relation to information received, before the commencement, by the chief executive under the *Disability Services Act 2006*, section 138ZG to the extent the information is disciplinary information or NDIS disciplinary or misconduct information under that Act.

(2) From the commencement, the information is taken to be disciplinary information received by the protection commissioner.

Division 3 Information sharing arrangements

642 Information sharing arrangements

(1) This section applies to an arrangement entered into between the chief executive and an entity under former chapter 8, part 6, division 3, 8A or 10 or chapter 10.

(2) From the commencement, the arrangement continues to have effect as an arrangement made under new chapter 8, part 6, division 3, 8A or 10 or chapter 10 as if the arrangement were entered

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into between the protection commissioner and the entity.

(3) In a document relating to the arrangement, a reference to the chief executive may be taken, if the context permits, to be a reference to the protection commissioner.

Division 4 Reviews and appeals

643 Reviews not started on commencement

(1) This section applies if—

(a) before the commencement—

(i) the chief executive made a chapter 8 reviewable decision about a person; and

(ii) the person had not applied for a review of the decision under former section 354; and

(b) on the commencement, the time for starting a review of the decision had not ended.

(2) From the commencement—

(a) the amended Act applies in relation to the subject matter of the review; and

(b) the person may apply for a review of the decision under new section 354 as if the chapter 8 reviewable decision were made by the protection commissioner.

644 Undecided reviews

(1) This section applies if, immediately before the commencement, an application made by a person under former section 354 for a chapter 8 reviewable decision had not been decided or

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withdrawn.

(2) From the commencement, the review may be continued as if the chapter 8 reviewable decision were made by the protection commissioner.

(3) The entity deciding the review must apply the amended Act in relation to the subject matter of the review.

645 Appeals not started on commencement

(1) This section applies if—

(a) before the commencement, the chief executive had a right to appeal, under the QCAT Act, against a decision of QCAT relating to a chapter 8 reviewable decision; and

(b) on the commencement, the time for starting an appeal had not ended.

(2) From the commencement, the protection commissioner may start an appeal against the decision of QCAT as if the chapter 8 reviewable decision were made by the protection commissioner.

(3) The entity hearing the appeal must apply the amended Act in relation to the subject matter of the appeal.

646 Undecided appeals

(1) This section applies if, immediately before the commencement, an appeal against a decision of QCAT relating to a chapter 8 reviewable decision started by a person under the QCAT Act had not been decided or withdrawn.

(2) From the commencement, the appeal may be continued as if the chapter 8 reviewable decision

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were made by the protection commissioner.

(3) The entity hearing the appeal must apply the amended Act in relation to the subject matter of the appeal as if the chapter 8 reviewable decision were made by the protection commissioner.

Division 5 New serious offences and disqualifying offences

647 Effect of conviction for new serious offence on existing authority

(1) This section applies if—

(a) a person held a working with children clearance (an ***existing authority***) or working with children exemption (also an ***existing authority***) immediately before the commencement; and

(b) the person was, before the commencement, convicted of an offence that is, on the commencement, a new serious offence.

(2) From the commencement, the new serious offence is taken not to be a serious offence for applying this Act in relation to the person's existing authority.

(3) In this section—

new serious offence means an offence that—

(a) is a serious offence; but

(b) was not a serious offence immediately before the commencement.

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648 Effect of conviction for new disqualifying offence on existing authority

(1) Subsections (2) and (3) apply if—

(a) a person held a working with children clearance (an ***existing authority***) or working with children exemption (also an ***existing authority***) immediately before the commencement; and

(b) the person was, before the commencement, convicted of an offence that is, on the commencement, a new disqualifying offence.

(2) From the commencement, the new disqualifying offence is taken to be, or continues to be, a serious offence for applying this Act in relation to the person's existing authority.

(3) Also, if the person applies for another working with children clearance or working with children exemption after the commencement, the person's conviction for the offence is taken to be, or to continue to be, a conviction for a serious offence for applying this Act in relation to the person.

(4) In this section—

new disqualifying offence means an offence that—

(a) is a disqualifying offence; but

(b) was not a disqualifying offence immediately before the commencement.

649 Existing reviews against relevant reviewable decisions must be dismissed

(1) This section applies if—

(a) before the commencement—

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(i) a person applied, under section 354, to QCAT for a review of a relevant reviewable decision about the person; and

(ii) the person the subject of the relevant reviewable decision had, before the commencement, been convicted of an offence that is, on the commencement, a new serious offence or new disqualifying offence; and

(b) on the commencement, the review had not been decided or withdrawn.

(2) QCAT must dismiss the application for review and any proceeding in relation to the application.

(3) In this section—

relevant reviewable decision, about a person, means a chapter 8 reviewable decision to—

(a) issue the person a negative notice; or

(b) refuse to cancel a negative notice issued to the person.

650 Existing appeals against relevant reviewable decisions must be dismissed

(1) This section applies if—

(a) before the commencement—

(i) the chief executive or another person had started an appeal, under the QCAT Act, against a decision of QCAT relating to a relevant reviewable decision; and

(ii) the person the subject of the relevant reviewable decision had, before the commencement, been convicted of a

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new serious offence or new disqualifying offence; and

(b) on the commencement, the appeal had not been decided or withdrawn.

(2) The entity hearing the appeal must dismiss the appeal and any proceeding in relation to the appeal.

(3) In this section—

relevant reviewable decision, about a person, means a chapter 8 reviewable decision to—

(a) issue the person a negative notice; or

(b) refuse to cancel a negative notice issued to the person.

162 Amendment of sch 2 (Current serious offences)

(1) Schedule 2, entry for Criminal Code, entry for section 323B—

omit.

(2) Schedule 2, before entry for *Classification of Publications Act 1991*—

insert—

1A *Animal Care and Protection Act 2001*

Provision of Act	Relevant heading	Qualification
17	Breach of duty of care prohibited	if the breach causes death, serious deformity, serious disability or prolonged suffering of an animal
18	Animal cruelty prohibited	

(3) Schedule 2, entry for Criminal Code—

insert—

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223	Distributing intimate images	if the offence was committed against a child
229BC	Failure to report belief of child sexual offence committed in relation to child	
311	Aiding suicide	
314A	Unlawful striking causing death	
328A	Dangerous operation of a vehicle	if the offence involved operating a vehicle dangerously and only if an offender was or could have been liable as mentioned in section 328A(4)
408C	Fraud	if the offence was committed against a child

(4) Schedule 2, entry for Criminal Code, entry for section 317, column 3—

insert—

the offence is not a disqualifying offence

(5) Schedule 2, entry for Criminal Code, entry for section 323A, column 3—

insert—

the offence is not a disqualifying offence

(5A) Schedule 2, entry for Criminal Code, entry for section 328A—

omit.

(5B) Schedule 2, entry for Criminal Code—

insert—

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334I	Driving motor vehicles dangerously	only if an offender was or could have been liable as mentioned in section 334I(2)
334K	Operating non-motor vehicles dangerously	only if an offender was or could have been liable as mentioned in section 334K(2)

(6) Schedule 2, entry for Criminal Code (Cwlth)—

omit.

163 Amendment of sch 3 (Repealed or expired serious offences)

(1) Schedule 3, entry for Criminal Code—

insert—

328A	Dangerous operation of a vehicle	if the offence involved operating a vehicle dangerously and only if an offender was or could have been liable as mentioned in section 328A(4)

(2) Schedule 3, entry for Criminal Code (Cwlth)—

omit.

164 Amendment of sch 4 (Current disqualifying offences)

(1) Schedule 4, entry for Criminal Code—

insert—

242	Serious animal cruelty
307	Accessory after the fact to murder

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317	Acts intended to cause grievous bodily harm and other malicious acts	if the offence was committed against a child
323A	Female genital mutilation	if the offence was committed against a child
323B	Removal of child from State for female genital mutilation	

(2) Schedule 4, entry for Criminal Code (Cwlth)—

insert—

101.1	Terrorist acts	if resulting in death

(3) Schedule 4, entries for Criminal Code (Cwlth) and *Customs Act 1901* (Cwlth) —

omit.

165 Amendment of sch 5 (Repealed or expired disqualifying offences)

Schedule 5, entries for *Crimes Act 1914* (Cwlth) and Criminal Code (Cwlth)—

omit.

166 Amendment of sch 7 (Dictionary)

(1) Schedule 7, definitions *chief executive (disability worker screening)* and *chief executive's screening functions*—

omit.

(2) Schedule 7—

insert—

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child safe functions means the functions of the protection commissioner under the *Child Safe Organisations Act 2024*.

commissioner's screening functions means the protection commissioner's functions under chapter 8.

disability worker screening functions means the functions of the protection commissioner under the *Disability Services Act 2006*.

protection commissioner means the commissioner under the *Queensland Protection Commission Act 2026*.

(3) Schedule 7, definition *disciplinary information*, 'received by the chief executive'—

omit, insert—

received or used by the protection commissioner

(4) Schedule 7, definition *disciplinary information*, paragraph (b), 'section 138ZG'—

omit, insert—

section 138ZLCA

Division 5 Other amendments

167 Legislation amended

Schedule 2 amends the legislation it mentions.

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Schedule 1 Dictionary

section 5

advisory council means an advisory council established under section 21.

board means the Child Death Review Board continued in existence under section 39.

chairperson, for part 4, division 5, means the chairperson of the board.

child death register means the register kept by the commissioner under section 30.

child protection system—

(a) means—

(i) generally—the system of services provided by relevant agencies to children and young people in need of protection or at risk of harm; and

(ii) for part 4—the system of services provided by relevant agencies and other entities to children and young people in need of protection or at risk of harm; and

(b) includes preventative and support services to strengthen and support families and prevent harm to children and young people.

commission means the office called the Queensland Protection Commission established under section 9.

commissioner means the Queensland Protection Commissioner appointed under section 11.

confidential information includes information about a person's affairs but does not include—

(a) information already publicly disclosed unless further disclosure of the information is prohibited by law; or

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(b) statistical or other information that could not reasonably be expected to result in the identification of the person to whom the information relates.

connected to the child protection system, in relation to a child death, for part 4, see section 38.

criminal history, of a person, means—

(a) every conviction of the person for an offence, in Queensland or elsewhere, whether before or after the commencement of this definition, including spent convictions; and

(b) every charge made against the person for an offence, in Queensland or elsewhere, whether before or after the commencement of this definition; and

(c) every disqualification order made under the *Working with Children Check Act 2000* in relation to the person, whether before or after the commencement of this definition; and

(d) every disqualification order and offender prohibition order made under the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004* in relation to the person, whether before or after the commencement of this definition.

deputy commissioner means a deputy commissioner appointed under section 12.

education and care service see the Education and Care Services National Law (Queensland), section 5(1).

harm, to a child, see the *Child Protection Act 1999*, section 9.

information, for part 4, division 5, includes a document.

in need of protection, for a child or young person, means the child or young person—

(a) has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm; and

(b) does not have a parent able and willing to protect the child or young person from the harm.

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internal agency review see the *Child Protection Act 1999*, section 245B.

notice means written notice.

public entity means a public sector unit or relevant agency and includes the chief executive, however described, of a public sector unit or relevant agency.

public guardian means the public guardian under the *Public Guardian Act 2014*.

register means the child death register kept by the commissioner under section 30.

relevant agency means any of the following—

(a) the public guardian;

(b) the ombudsman;

(c) the human rights commissioner under the *Anti-Discrimination Act 1991*;

(d) the Domestic and Family Violence Death Review and Advisory Board under the *Coroners Act 2003*;

(e) the Queensland Police Service;

(f) the Director of Child Protection Litigation under the *Director of Child Protection Litigation Act 2016*;

(g) a public sector unit, government agency or publicly funded non-government agency that is mainly responsible for, or provides services or deals with complaints in relation to, any of the following matters—

(i) Aboriginal and Torres Strait Islander policy or services;

(ii) administration of justice or legal services to children and young people;

(iii) care of children and young people;

(iv) child safety;

(v) community services;

(vi) corrective services;

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(vii) disability services;

(viii) education;

(ix) housing services;

(x) public health.

young person means a person, at least 18 years but no more than 21 years, who is transitioning from being a child in care under the *Child Protection Act 1999* to independence.

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Schedule 2 Other amendments

section 167

Births, Deaths and Marriages Registration Act 2023

1 Sections 119, heading and 120, heading, ‘family and child’—

omit, insert—

protection

2 Section 119(2) and (3), ‘family and child’—

omit, insert—

protection

3 Section 120(1), (2), (3) and (4), ‘family and child’—

omit, insert—

protection

4 Section 120(6), definition *child death research functions*, from ‘family and’—

omit, insert—

protection commissioner, means the commissioner’s functions under the *Queensland Protection Commission Act 2026*, part 3.

5 Schedule 2, definition *family and child commissioner*—

omit.

Authorised by the Parliamentary Counsel

6 Schedule 2—

insert—

protection commissioner means the commissioner under the *Queensland Protection Commission Act 2026*.

Building Act 1975

1 Section 245I(1)(c), 'family and child'—

omit, insert—

protection

2 Section 245I(4), definition *family and child commissioner*—

omit.

3 Section 245I(4)—

insert—

protection commissioner means the commissioner under the *Queensland Protection Commission Act 2026*.

Child Protection Act 1999

1 Sections 140A, 141H(1)(c), 141I(1)(c), 148A and 148B, 'chief executive (employment screening)'—

omit, insert—

protection commissioner

Authorised by the Parliamentary Counsel

2 Section 245(4), '*Family and Child Commission Act 2014*, part 3A'—

omit, insert—

Queensland Protection Commission Act 2026, part 4

3 Schedule 3, definition *chief executive (employment screening)*—

omit.

4 Schedule 3—

insert—

protection commissioner means the commissioner under the *Queensland Protection Commission Act 2026*.

5 Schedule 3, definition *child death review board*, from 'established'—

omit, insert—

continued in existence under the *Queensland Protection Commission Act 2026*, section 39.

Child Safe Organisations Act 2024

1 Amendments to replace 'commission' with 'protection commissioner'—

Each of the following provisions is amended by omitting 'commission' and inserting 'protection commissioner'—

- section 3
- section 6

Authorised by the Parliamentary Counsel

- section 7(d)(iii)
- section 11
- chapter 2, part 3, division 1, heading
- section 13
- section 14
- chapter 2, part 3, division 2, heading
- section 15
- section 16
- section 17
- section 18
- section 19
- section 20
- section 22
- section 23
- section 24
- section 25
- section 30(1)(c)
- section 31
- section 33
- section 36
- section 38
- section 39
- section 40
- section 41
- section 42
- chapter 3, part 4, division 3, heading
- section 44
- section 45

Authorised by the Parliamentary Counsel

- section 46
- section 48
- section 49(1)(a), (m) and (2)(c)
- section 52
- section 53
- section 54
- section 59
- section 60
- section 67
- section 68
- section 70
- section 91
- section 98
- section 99
- section 100(1)
- section 103
- section 104
- section 105
- section 108

2 Amendments to replace ‘Commission’ with ‘Protection commissioner’—

Each of the following provisions is amended by omitting ‘Commission’ and inserting ‘Protection commissioner’—

- section 15
- section 31
- section 38
- section 39
- section 41

Authorised by the Parliamentary Counsel

- section 42
- section 43
- section 44
- section 45

3 Amendments to replace ‘commission’s’ with ‘protection commissioner’s’—

Each of the following provisions is amended by omitting ‘commission’s’ and inserting ‘protection commissioner’s’—

- section 13
- section 17
- section 18
- section 22
- section 24
- section 39
- section 40
- section 45
- section 49
- section 52
- section 54
- section 98
- section 104
- section 108

4 Chapter 2, part 3, heading, from ‘Family’—

omit, insert—

Protection Commissioner

Authorised by the Parliamentary Counsel

5 Chapter 3, part 4, heading, from 'Family'—

omit, insert—

Protection Commissioner

6 Section 43(1), 'commission may, on the commission's'—

omit, insert—

protection commissioner may, on the commissioner's

7 Section 43(1)(a)and (b), (2)(a) and (c), (3) and (4), 'commission'—

omit, insert—

protection commissioner

8 Section 43(1)(c)(ii), 'commission considers it is in the public interest that the commission'—

omit, insert—

protection commissioner considers it is in the public interest that the commissioner

9 Section 43(2), 'commission starts an investigation under subsection (1), the commission'—

omit, insert—

protection commissioner starts an investigation under subsection (1), the commissioner

10 Section 47(1)(c)(i), 'commission of its functions'—

omit, insert—

protection commissioner of the commissioner's functions

Authorised by the Parliamentary Counsel

11 Section 49(4), ‘each commissioner’—

omit, insert—

the protection commissioner or a deputy commissioner

12 Section 50(1), ‘A commissioner’—

omit, insert—

The protection commissioner, a deputy commissioner

13 Section 50(3), after ‘the commissioner’—

insert—

, deputy commissioner

14 Section 62(2), from ‘ensure’ to ‘deal’—

omit, insert—

ensure that suitably qualified persons are available who can help the commissioner deal

15 Section 64(1), ‘The commission’—

omit, insert—

The protection commissioner

16 Section 64(2), from ‘commission may’ to ‘commission is’—

omit, insert—

protection commissioner may appoint a person as an authorised officer only if the commissioner is

Authorised by the Parliamentary Counsel

17 Section 65(3), definition *signed notice*, 'a commissioner'—

omit, insert—

the protection commissioner or a deputy commissioner

18 Section 91(2)(f), 'commissioner's'—

omit, insert—

protection commissioner's

19 Section 100(3), from 'commission is' to 'the commission'—

omit, insert—

protection commissioner is taken to have confirmed the reviewable decision if, within 28 days after receiving the application for internal review, the commissioner

20 Section 100(4), from 'If the commission' to 'commission is'—

omit, insert—

If the protection commissioner asks the applicant for further information about the application and does not given the applicant a written notice for the internal review decision with 28 days after receiving the further information, the commissioner is

21 Section 100(6), 'principal'—

omit, insert—

protection

Authorised by the Parliamentary Counsel

22 Section 102(4), definition *official*, paragraph (b)—

omit, insert—

(b) the protection commissioner or a deputy commissioner; or

23 Section 106, 'a commissioner'—

omit, insert—

the protection commissioner or a deputy commissioner

24 Section 107(1), from 'A commissioner' to 'the commissioner'—

omit, insert—

The protection commissioner or a deputy commissioner may delegate a function or power of the protection commissioner or deputy commissioner

Coroners Act 2003

1 Sections 10A, 45, 46, 54A, 54B and 54C, 'family and child'—

omit, insert—

protection

2 Section 91Y(9), definition *prescribed entity*, paragraph (b)—

omit, insert—

(b) the protection commissioner;

Authorised by the Parliamentary Counsel

3 Schedule 2, definition *family and child commissioner*—

omit.

4 Schedule 2—

insert—

> ***protection commissioner*** means the commissioner under the *Queensland Protection Commission Act 2026*.

5 Schedule 2, definition *child death research functions*, from 'the family'—

omit, insert—

> the protection commissioner, means the commissioner's functions under the *Queensland Protection Commission Act 2026*, part 3.

Crime and Corruption Act 2001

1 Section 278(1)(d)—

omit, insert—

> (d) the commissioner under the *Queensland Protection Commission Act 2026*;

2 Section 279(3), from 'principal' to '*Family and Child Commission Act 2014*'—

omit, insert—

> commissioner under the *Queensland Protection Commission Act 2026*

Authorised by the Parliamentary Counsel

3 Section 324(5)(a)—

omit, insert—

(a) the commissioner under the *Queensland Protection Commission Act 2026*;

Disability Services Act 2006

1 Amendments to replace ‘chief executive’ with ‘protection commissioner’—

Each of the following provisions is amended by omitting ‘chief executive’ and inserting ‘protection commissioner’—

- section 50
- section 51
- section 52
- section 59
- section 65
- section 66
- section 69
- section 70
- section 71
- section 74
- section 75
- section 76
- section 78
- section 79
- section 80
- section 81
- section 82

Authorised by the Parliamentary Counsel

- section 83
- section 84
- section 85
- section 87
- section 88
- section 89
- section 90
- section 91
- section 92
- section 93
- section 94
- section 95
- section 96
- section 97
- section 98
- section 99
- section 100
- section 103
- section 104
- section 105
- section 106
- section 107
- section 108
- section 109
- section 110
- section 111
- section 112
- section 114

Authorised by the Parliamentary Counsel

- section 115
- section 116
- section 117
- section 118
- part 5, division 6, subdivision 3, heading
- section 119
- section 120
- section 121
- section 122
- section 123
- section 124
- section 125
- section 126
- section 127
- section 128
- section 129
- section 130
- section 132
- section 133
- section 134
- section 135
- section 136
- section 137
- section 138
- section 138A
- section 138C
- section 138D
- section 138E

Authorised by the Parliamentary Counsel

- section 138G
- section 138H
- section 138J(1)(b), (2), (4) and (5)(b)
- section 138K
- section 138L
- section 138M(1) and (3)
- section 138Q(3)(d)
- section 138R(1), (2) and (5), definition *prescribed entity*, paragraph (d)
- section 138S
- section 138T
- section 138U
- section 138V
- section 138W
- section 138X
- section 138Y
- section 138Z
- section 138ZA
- section 138ZB
- section 138ZC
- section 138ZD
- section 138ZE
- section 138ZF
- section 138ZH
- section 138ZI
- section 138ZJ
- section 138ZK
- section 138ZLC

Authorised by the Parliamentary Counsel

- section 138ZM
- section 138ZO
- section 138ZP
- section 138ZQ
- section 138ZR
- section 138ZT
- section 138ZU
- section 138ZV
- section 138ZY
- section 138ZZ
- section 138ZZA(1), (2) and (3)
- section 138ZZB

2 Amendments to replace ‘Chief executive’ with ‘Protection commissioner’—

Each of the following provisions is amended by omitting ‘Chief executive’ and inserting ‘Protection commissioner’—

- section 69, heading
- section 82, heading
- section 111, heading
- section 117, heading
- section 118, heading
- section 137, heading
- section 138W, heading
- section 138ZA, heading
- section 138ZK, heading
- section 138ZM, heading
- section 138ZQ, heading
- section 138ZZA, heading

Authorised by the Parliamentary Counsel

3 Amendments to replace ‘chief executive’s’ with ‘protection commissioner’s’—

Each of the following provisions is amended by omitting ‘chief executive’s’ and inserting ‘protection commissioner’s’—

- section 81
- section 108
- section 110
- section 115
- section 121
- section 131
- section 133
- section 135
- section 138C
- section 138D
- section 138K
- section 138Q(3)(d)
- section 138R
- section 138U
- section 138X
- section 138Y
- section 138Z
- section 138ZC
- section 138ZF
- section 138ZP
- section 138ZV

4 Section 138C, heading, ‘Chief executive’s’—

omit, insert—

Authorised by the Parliamentary Counsel

Protection commissioner's

5 Section 138D, heading, 'Chief executive's'—

omit, insert—

Protection commissioner's

6 Section 138J(1)(c), from 'given to' to 'cancels'—

omit, insert—

given to the protection commissioner, the commissioner issues the person an exclusion, including because the commissioner cancels

7 Section 138M(2), from 'chief executive's request' to 'screening'—

omit, insert—

protection commissioner's request if the director reasonably believes the information may help the commissioner to perform the commissioner's screening

8 Section 138N(1), 'the chief executive'—

omit, insert—

the protection commissioner

9 Section 138N(2)(b), from 'help'—

omit, insert—

help the protection commissioner to perform the commissioner's screening functions.

10 Section 138P(1), 'The chief executive'—

omit, insert—

Authorised by the Parliamentary Counsel

The protection commissioner

11 Section 138Q(2), from ‘chief executive if’ to ‘screening’—

omit, insert—

protection commissioner if the State entity reasonably believes the information may help the commissioner to perform the commissioner’s screening

12 Section 138R(3), from ‘chief executive if’ to ‘screening’—

omit, insert—

protection commissioner if the entity reasonably believes the information may help the commissioner to perform the commissioner’s screening

13 Section 138ZZA(4), from ‘chief executive may’ to ‘is satisfied’—

omit, insert—

protection commissioner may make a decision in substitution for a decision the commissioner is taken to have made under subsection (3) if the commissioner is satisfied

Education (Accreditation of Non-State Schools) Act 2017

1 Section 128(1) and (2), ‘chief executive (employment screening)’—

omit, insert—

protection commissioner

Authorised by the Parliamentary Counsel

2 Section 128(5), definition *chief executive (employment screening)*—

omit.

3 Section 128(5)—

insert—

protection commissioner means the commissioner under the *Queensland Protection Commission Act 2026*.

Education and Care Services Act 2013

1 Part 3, division 7, heading, ‘chief executive (employment screening)’—

omit, insert—

protection commissioner

2 Sections 91, 191 and 200, ‘chief executive (employment screening)’—

omit, insert—

protection commissioner

3 Schedule 1, definition *chief executive (employment screening)*—

omit.

4 Schedule 1—

insert—

protection commissioner means the commissioner under the *Queensland Protection*

Authorised by the Parliamentary Counsel

Commission Act 2026.

Education and Care Services National Law (Queensland) Act 2011

1 Section 19, definition *chief executive (employment screening)*—

omit.

2 Section 19—

insert—

protection commissioner means the commissioner under the *Queensland Protection Commission Act 2026*.

3 Sections 20, 21 and 22, 'chief executive (employment screening)'—

omit, insert—

protection commissioner

Education (Queensland College of Teachers) Act 2005

1 Sections 14, 15D, 285, 285AA, 285A and 258B, 'chief executive (employment screening)'—

omit, insert—

protection commissioner

Authorised by the Parliamentary Counsel

2 Schedule 3, definition *chief executive (employment screening)*—

omit.

3 Schedule 3—

insert—

protection commissioner means the commissioner under the *Queensland Protection Commission Act 2026*.

Inspector of Detention Services Act 2022

1 Section 19(1)(c)(iv)—

omit.

2 Section 19(1)(c)—

insert—

(xii) the *Queensland Protection Commission Act 2026*.

3 Section 19(1)(c)(v) to (xii)—

renumber as section 19(1)(c)(iv) to (xi).

Integrity Act 2009

1 Schedule 1, entry for '*Family and Child Commission Act 2014*'—

omit.

Authorised by the Parliamentary Counsel

2 Schedule 1—

insert—

Queensland Protection Commission Act 2026

- the commissioner

Police Powers and Responsibilities Act 2000

1 Section 740(5)(e)—

omit, insert—

(e) the commissioner under the *Queensland Protection Commission Act 2026*.

2 Section 789A(5) and (6), 'chief executive (employment screening)'—

omit, insert—

protection commissioner

3 Section 789A(8), definition *chief executive (employment screening)*—

omit.

4 Section 789A(8)—

insert—

protection commissioner means the commissioner under the *Queensland Protection Commission Act 2026*.

Authorised by the Parliamentary Counsel

5 Section 789B(5) and (6), 'chief executive (disability worker screening)'—

omit, insert—

protection commissioner

6 Section 789B(8), definition *chief executive (disability worker screening)*—

omit.

7 Section 789B(8)—

insert—

protection commissioner means the commissioner under the *Queensland Protection Commission Act 2026*.

Public Guardian Act 2014

1 Section 86(a)—

omit, insert—

(a) the commissioner under the *Queensland Protection Commission Act 2026*;

Public Sector Act 2022

1 Schedule 1, entry for 'Queensland Family and Child Commission under the *Family and Child Commission Act 2014*'—

omit.

Authorised by the Parliamentary Counsel

Public Sector Ethics Regulation 2023

1 Schedule 1, entry for 'Queensland Family and Child Commission'—

omit.

Statutory Bodies Financial Arrangements Regulation 2019

1 Schedule 3, entry for '*Family and Child Commission Act 2014*'—

omit.

Transport Operations (Passenger Transport) Act 1994

1 Sections 28B and 104, 'chief executive (employment screening)'—

omit, insert—

protection commissioner

2 Section 104, heading, 'Chief executive (employment screening)'—

omit, insert—

Protection commissioner

3 Schedule 3, definition *chief executive (employment screening)*—

omit.

Authorised by the Parliamentary Counsel

4 Schedule 3—

insert—

protection commissioner means the commissioner under the *Queensland Protection Commission Act 2026*.

Victims' Commissioner and Sexual Violence Review Board Act 2024

1 Section 12(e)—

omit.

2 Section 12—

insert—

(ma) the *Queensland Protection Commission Act 2026*;

3 Section 12(f) to (ma)—

renumber as section 12(e) to (m).

4 Section 65(e)—

omit.

5 Section 65—

insert—

(ma) the *Queensland Protection Commission Act 2026*;

Authorised by the Parliamentary Counsel

6 Section 65(f) to (ma)—

renumber as section 65(e) to (m).

Working with Children Check Act 2000

1 Amendments to replace ‘chief executive’ with ‘protection commissioner’—

Each of the following provisions is amended by omitting ‘chief executive’ and inserting ‘protection commissioner’—

- section 18A
- section 18B
- section 18C
- section 175
- section 176C
- section 187
- section 189
- section 190
- section 190A
- section 193(3)
- section 193A
- section 195
- section 196
- section 197
- section 198
- section 199
- section 200
- section 201
- section 219

Authorised by the Parliamentary Counsel

- section 220
- section 221, definition *identifying information*, paragraph (a)
- section 222
- section 223
- section 224(1) and (6)
- section 225
- section 226
- section 227
- section 228
- section 229
- section 230
- section 231
- section 232
- section 233
- section 234
- section 235
- section 236
- section 237
- section 242
- section 243
- section 244
- section 245
- section 246
- section 246A
- section 246B
- section 246C
- section 246D

Authorised by the Parliamentary Counsel

- section 246E
- section 246F
- section 246G
- section 246H
- section 246I(1) and (3)
- section 294
- section 295
- section 296
- section 297
- section 299
- section 300
- section 300A
- section 301
- section 302
- chapter 8, part 5A, division 3, heading
- section 303
- section 303A
- section 304
- section 304A
- section 304B
- section 304C(1) and (3)
- section 304D
- section 304E
- section 304F
- section 304G
- section 304HA
- section 304HB
- section 304I

Authorised by the Parliamentary Counsel

- section 304J
- section 304K(1)
- section 304L
- section 304M
- section 304N
- section 304O
- section 304P
- section 307
- section 308
- section 309
- section 310
- section 311
- section 312
- section 313
- section 314
- section 315
- section 315A
- section 316
- section 317
- section 318
- section 320
- section 320A
- section 320B
- section 323
- section 326
- section 328B
- section 328C
- section 329

Authorised by the Parliamentary Counsel

- section 330
- section 331
- section 332
- section 333
- section 334
- section 335(1)
- section 336
- section 337(1), (2), (3), (4) and (5)
- section 338
- section 340
- section 341
- section 342
- section 343
- section 344AAA, definition *prescribed entity*, paragraph (b)
- section 344AAB
- section 344AAC(1) and (2)
- section 344AAE
- section 344AA
- section 344A(1)(a), (b) and (d), (2) and (3)
- section 344C
- section 345A
- section 345B
- section 345C
- section 346
- section 347
- section 348
- section 348A

Authorised by the Parliamentary Counsel

- section 350
- section 350A
- section 351
- section 352
- section 353, definition *chapter 8 reviewable decision*
- section 354
- section 354A
- section 354B
- section 357
- section 357E(g)
- section 357F
- section 357G
- section 357H
- chapter 9, part 2, heading
- section 368
- section 369
- section 370
- section 370A
- section 370B(2)
- section 370C(1)
- chapter 10, part 2, heading
- section 371
- section 372
- section 373
- section 374
- section 376
- section 397
- section 398(2)

Authorised by the Parliamentary Counsel

- section 398A(1), (2) and (3)
- section 398B
- section 399
- section 400
- section 401
- schedule 7, definition *approved way*
- schedule 7, definition *potential employer*
- schedule 7, definition *risk assessment*
- schedule 7, definition *working with children check national reference system*

2 Amendments to replace 'Chief executive' with 'Protection commissioner'—

Each of the following provisions is amended by omitting 'Chief executive' and inserting 'Protection commissioner'—

- section 190
- section 190A
- section 226
- section 244
- section 296
- section 301
- section 302
- section 304HA
- section 304J
- section 311
- section 330
- section 335
- section 336
- section 337

Authorised by the Parliamentary Counsel

- section 338
- section 340
- section 342
- section 344AA
- section 344A
- section 354B
- section 374
- section 397
- section 398
- section 398A

3 Amendments to replace ‘chief executive’s’ with ‘protection commissioner’s’—

Each of the following provisions is amended by omitting ‘chief executive’s’ and inserting ‘protection commissioner’s’—

- section 222
- section 223
- section 224
- section 246H
- section 297, note
- section 300
- section 301(1), note
- section 302(3), note
- section 304B
- section 304C(1), note
- section 304F(1), note
- section 304H
- section 304I

Authorised by the Parliamentary Counsel

- section 304J
- section 304N
- section 311
- section 315A
- section 318
- section 320
- section 320A
- section 320B
- section 330
- section 332
- section 333
- section 343
- section 344
- section 345A
- section 370A
- section 398B
- section 399

4 Section 224(2), from ‘chief executive must’ to ‘executive may’—

omit, insert—

protection commissioner must ask the college of teachers to advise the commissioner whether the commissioner may

5 Section 246J(1)(a), (3) and (4), ‘chief executive’—

omit, insert—

protection commissioner

Authorised by the Parliamentary Counsel

6 Section 246J(1)(c), ‘chief executive for’—

omit, insert—

protection commissioner for

7 Section 246J(2), ‘The chief executive’—

omit, insert—

The protection commissioner

8 Section 247(4), from ‘chief executive is aware’ to ‘executive must’—

omit, insert—

protection commissioner is aware the person is a police officer or registered teacher and, under part 5A or part 7, division 1, the commissioner is required or permitted to issue a working with children clearance to the person, the commissioner must

9 Sections 294, heading and 315A, heading, ‘Chief executive’s’—

omit, insert—

Protection commissioner’s

10 Section 304K(2), from ‘chief executive decides’ to ‘executive is’—

omit, insert—

protection commissioner decides to cancel the person’s negative notice, the commissioner may decide to substitute a working with children authority if the commissioner is

Authorised by the Parliamentary Counsel

11 Section 304K(2), note, ‘chief executive’—

omit, insert—

commissioner

12 Section 319(1), ‘the chief executive’—

omit, insert—

the protection commissioner

13 Section 319(2)(c), ‘for the chief executive to’—

omit, insert—

for the protection commissioner to

14 Section 319(3), ‘the chief executive may’—

omit, insert—

the protection commissioner may

15 Section 335(2)—

omit, insert—

(2) The protection commissioner may ask the registered health practitioner who conducts the examination to give a report about the person’s mental health to the commissioner, and the registered health practitioner may give the report to the commissioner.

16 Section 337(8), from ‘chief executive an’ to ‘executive.’—

omit, insert—

protection commissioner an expert report about the charged person under this section does not prevent the commissioner applying under the *Mental Health Act 2016*, section 160(2) for leave

Authorised by the Parliamentary Counsel

of the court to give the report to the commissioner.

17 Section 344AAC(3), from ‘chief executive if’ to ‘chief executive’s’—

omit, insert—

protection commissioner if the prescribed entity reasonably believes the information may help the commissioner to perform the commissioner’s

18 Section 344AAD(2), from ‘chief executive if’ to ‘chief executive’s’—

omit, insert—

protection commissioner if the prescribed entity reasonably believes the information may help the commissioner to perform the commissioner’s

19 Section 344A(1)(e), from ‘chief executive accepts’ to ‘chief executive’s’—

omit, insert—

protection commissioner accepts is authorised by the department to assist the commissioner in performing the commissioner’s

20 Section 370B(1), from ‘chief executive may’ to ‘chief executive to’—

omit, insert—

protection commissioner may, by written notice, ask a person for information the commissioner reasonably believes is necessary for the commissioner to

Authorised by the Parliamentary Counsel

21 Section 370C(2), from ‘chief executive has’ to ‘chief executive did’—

omit, insert—

protection commissioner has possession of the documents, the commissioner must permit a person, who would be entitled to inspect the documents if the commissioner did

22 Section 398(1), ‘The chief executive’—

omit, insert—

The protection commissioner

23 Section 398A(4), from ‘The chief’ to ‘satisfied’—

omit, insert—

The protection commissioner may make a decision in substitution for a decision the commissioner is taken to have made under subsection (3) if the commissioner is satisfied

24 Schedule 7, definition *notifiable person*, paragraphs (a)(i) to (vi) and (viii) to (xi), ‘chief executive is aware’—

omit, insert—

protection commissioner is aware

25 Schedule 7, definition *notifiable person*, paragraph (a)(vii), from ‘chief executive’, first mention to ‘chief executive’, second mention—

omit, insert—

protection commissioner is aware that the person is carrying on a regulated business as a religious representative—an entity within the relevant organised or recognised religious group that the commissioner

Authorised by the Parliamentary Counsel

Working with Children (Risk Management and Screening) Regulation 2020

1 Section 5(1), 'chief executive'—

omit, insert—

protection commissioner

2 Section 5(2), 'section 385(4)(d)'—

omit, insert—

section 385(4)(e)

3 Schedule 2, item 2, 'chief executive'—

omit, insert—

protection commissioner

Youth Justice Act 1992

1 Section 301S(2)(e)—

omit, insert—

(e) the commissioner under the *Queensland Protection Commission Act 2026*;

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