

Queensland

Child Safe Organisations Act 2024

Current as at 22 October 2026

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Child Safe Organisations Act 2024

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Child Safe Organisations Act 2024

An Act to establish child safe standards and a reportable conduct scheme to promote and protect the rights, interests and wellbeing of children in Queensland

Chapter 1 Preliminary

Part 1 Introduction

1 Short title

This Act may be cited as the *Child Safe Organisations Act 2024*.

2 Commencement

(1) This Act, other than the provisions mentioned in subsections (2) to (4), commences on 1 October 2025.

(2) Schedule 1, sections 1, 3, 6, 7 and 12 commence on 1 January 2026.

(3) The following provisions commence on 1 April 2026—

(a) chapter 10, parts 4 and 5, other than section 128;

(b) schedule 1, sections 2, 9, 10 and 11;

(c) schedules 4 and 5.

(4) The following provisions commence on 1 July 2026—

(a) section 3(2)(c) and (d);

(b) chapter 3;

(c) chapter 4, part 3;

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(d) section 58(1)(b) and (c);

(e) section 59(1)(b);

(f) section 60(6), definition *relevant entity*, paragraph (d);

(g) section 91(2)(b) to (f) and (4), definition *relevant person*, paragraphs (b) to (e);

(h) section 98(c);

(i) section 103(1)(b);

(j) section 107(2);

(k) section 112;

(l) chapter 10, part 2;

(m) section 128;

(n) schedule 2.

3 Main purposes

(1) The main purposes of this Act are—

(a) to protect children from harm; and

(b) to promote the safety, wellbeing and best interests of children.

(2) The main purposes are to be primarily achieved by—

(a) providing for the implementation of, and compliance with, the child safe standards and universal principle by particular entities in Queensland; and

(b) the oversight by the commission of the implementation of, and compliance with, the child safe standards and universal principle; and

(c) providing for a scheme for—

(i) preventing reportable conduct; and

(ii) reporting, notifying and investigating reportable allegations and reportable convictions; and

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(iii) taking appropriate action in response to findings of reportable conduct; and

(d) providing for the oversight by the commission of the scheme mentioned in paragraph (c).

4 Act binds all persons

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

(2) Nothing in this Act makes the State, the Commonwealth or another State liable to be prosecuted for an offence.

Part 2 Interpretation

5 Definitions

The dictionary in schedule 3 defines particular words used in this Act.

6 Meaning of *sector regulator*

A ***sector regulator***, for a child safe entity or reporting entity, is—

(a) a department or other entity, other than the commission, that is—

(i) responsible for regulating the child safe entity or reporting entity; and

(ii) prescribed by regulation as a sector regulator for the child safe entity or reporting entity; or

(b) for a child safe entity or reporting entity mentioned in schedule 1 or 2—a department that provides funding to the child safe entity or reporting entity; or

(c) another entity prescribed by regulation as a sector regulator for the child safe entity or reporting entity.

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7 Meaning of *head* of an entity

The ***head*** of an entity is—

(a) for a public sector entity under the *Public Sector Act 2022*, section 8—the chief executive of the public sector entity; or

(b) for the police service—the police commissioner; or

(c) the person or holder of a position prescribed by regulation as the head of the entity; or

(d) otherwise—

(i) the chief executive officer of the entity, however described; or

(ii) if there is no chief executive officer—the principal officer of the entity, however described; or

(iii) if there is no chief executive officer or principal officer—a person or holder of a position for the entity approved by the commission.

8 Meaning of *worker* of an entity

(1) A ***worker*** of a child safe entity or reporting entity is an individual who performs work of any kind for the entity, and includes, for example, the following—

(a) an employee of the entity;

(b) a volunteer;

Example—

an approved carer, and a member of an approved carer's household, under the *Child Protection Act 1999*, schedule 3

(c) a contractor, subcontractor or consultant;

(d) an individual supplied by a provider of labour hire services under the *Labour Hire Licensing Act 2017*;

(e) an executive officer of the entity, or another person who is concerned with, or takes part in, the entity's

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management, other than a councillor of a local government;

(f) a trainee or person undertaking work experience for the entity;

(g) if the entity is a religious body—a minister of religion, religious leader or officer of the religious body;

(h) if the entity is a sole trader—the individual operating as sole trader;

(i) if the child safe entity or reporting entity is the department in which the *Child Protection Act 1999* is administered—an honorary officer under schedule 3 of that Act.

(2) However, an individual is not a ***worker*** if a regulation prescribes the individual as being excluded from the definition under subsection (1).

Chapter 2 Child safe standards

Part 1 Preliminary

9 Meaning of *child safe standards*

The following standards are the ***child safe standards*** applying to an entity—

(a) child safety and wellbeing is embedded in the entity's organisational leadership, governance and culture;

(b) children are informed about their rights, participate in decisions affecting them and are taken seriously;

(c) families and communities are informed and involved in promoting child safety and wellbeing;

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(d) equity is upheld and diverse needs respected in policy and practice;

(e) people working with children are suitable and supported to reflect child safety and wellbeing values in practice;

(f) processes to respond to complaints and concerns are child-focused;

(g) staff and volunteers of the entity are equipped with the knowledge, skills and awareness to keep children safe through ongoing education and training;

(h) physical and online environments promote safety and wellbeing and minimise the opportunity for children to be harmed;

(i) implementation of the child safe standards is regularly reviewed and improved;

(j) policies and procedures document how the entity is safe for children.

10 Meaning of *child safe entity*

(1) A ***child safe entity*** is an entity—

(a) that provides—

(i) services specifically for children; or

(ii) facilities specifically for use by children who are under the supervision of the entity; and

(b) that is either—

(i) mentioned in schedule 1; or

(ii) prescribed by regulation.

(2) However, an individual is not a child safe entity unless the individual carries on a business as an entity mentioned in subsection (1), including, for example, as a sole trader or partner in a partnership under the *Partnership Act 1891*, section 5.

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Note—

See also section 12.

Part 2 Requirement to implement and comply with child safe standards

11 Child safe entities must implement and comply with child safe standards and universal principle

(1) A child safe entity must implement and comply with the child safe standards.

Note—

An authorised officer may require a relevant person to give information about a child safe entity's compliance with this section. See section 91.

(2) In implementing and complying with the child safe standards, a child safe entity must provide an environment that promotes and upholds the right to cultural safety of children who are Aboriginal persons or Torres Strait Islander persons (the ***universal principle***).

(3) A child safe entity must have regard to guidelines made by the commission under section 108 in implementing and complying with the child safe standards and universal principle.

12 Entity may choose to be subject to this chapter

(1) An entity that is not required to implement and comply with the child safe standards and universal principle under section 11 may ask the Minister, in writing, to declare that the entity is subject to the obligations of a child safe entity under this chapter.

(2) If asked under subsection (1), the Minister must make the declaration by gazette notice.

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(3) The Minister must, by gazette notice, revoke the declaration if asked in writing by the entity.

(4) The entity is, for the period the declaration is in force, taken to be a child safe entity for this Act.

Part 3 Oversight by Queensland Family and Child Commission

Division 1 Functions of commission

13 Functions of commission for this chapter

(1) The commission's functions for this chapter are—

(a) to promote—

(i) the safety of children; and

(ii) the prevention of child abuse; and

(iii) the proper response to allegations of child abuse; and

(b) to promote continuous improvement and best practice by child safe entities to ensure the safety of children; and

(c) to promote, monitor and enforce the implementation of, and compliance with, the child safe standards and universal principle by child safe entities; and

(d) to collaborate with sector regulators in relation to performing the functions mentioned in paragraphs (a) to (c); and

(e) to report to the Minister about matters relating to the child safe standards and universal principle.

(2) Without limiting subsection (1), the commission's functions include—

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(a) informing and educating entities and the community about the child safe standards and universal principle; and

(b) assisting child safe entities in implementing and complying with the child safe standards and universal principle, including by providing oversight, guidance, training and education to those entities; and

(c) facilitating the exchange of information under chapter 4 between sector regulators in relation to the implementation of, and compliance with, the child safe standards and universal principle by child safe entities; and

(d) collecting, analysing and publishing data in relation to the child safe standards and universal principle.

14 Principles for implementing and complying with child safe standards and universal principle

(1) The implementation of, and compliance with, the child safe standards and universal principle by child safe entities and oversight by the commission under this chapter are to be based on the following fundamental principles—

(a) child safe entities are responsible for continuously improving the ways in which, in their operations—

(i) the safety of children is promoted; and

(ii) child abuse is prevented; and

(iii) allegations of child abuse are properly responded to;

(b) the commission is to adopt the most effective and proportionate means of assisting child safe entities in implementing and complying with the child safe standards and universal principle;

(c) the commission and sector regulators are to collaborate with each other, child safe entities and the community for the purpose of promoting implementation of, and

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compliance with, the child safe standards and universal principle by child safe entities.

(2) Without limiting subsection (1)(c), collaboration under that subsection includes notifying the commission of issues affecting the proper implementation of, and compliance with, the child safe standards and universal principle by a child safe entity under this chapter.

Division 2 Monitoring and enforcement by commission

15 Commission may monitor compliance

The commission may monitor the operation of a child safe entity to ensure the entity is implementing and complying with the child safe standards and universal principle.

16 Direction to conduct self-assessment

(1) The commission may, for monitoring a child safe entity under section 15, direct the head of a child safe entity to conduct a self-assessment of the entity's implementation of, and compliance with, the child safe standards and universal principle.

(2) The direction must—

(a) be in writing; and

(b) state the requirements for the conduct of the self-assessment; and

(c) state that the entity must give the results of the self-assessment to the commission; and

(d) state a reasonable period of at least 14 days after the date the direction is given within which the direction must be complied with.

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17 Assessment reports

(1) The commission may, for monitoring a child safe entity under section 15, give a report (an ***assessment report***) to a child safe entity to provide guidance or make recommendations to the entity about the entity's implementation of, and compliance with, the child safe standards and universal principle.

(2) If the commission's assessment report for a child safe entity includes recommendations, the assessment report must also state a reasonable period of at least 14 days after the report is given within which the entity must give the commission a written response to the assessment report, including advice about the entity's implementation of the commission's recommendations.

18 Compliance notices

(1) This section applies if the commission believes a child safe entity is failing to implement or comply with the child safe standards or universal principle.

Example—

The commission may form a belief that a child safe entity is failing to implement the child safe standards or universal principle if the entity has failed to comply with directions to conduct a self-assessment given under section 16 or has failed to respond to assessment reports given to the entity under section 17.

(2) The commission may give the child safe entity a written notice (a ***compliance notice***) stating—

(a) the reasons for giving the notice; and

(b) each child safe standard the commission believes the entity has not implemented or with which the entity has not complied with, or that the commission believes the entity has not implemented or complied with the universal principle; and

(c) the action the entity is required to take; and

(d) the date by which the entity must take the action; and

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(e) the action the commission may take if the entity fails to comply with the notice; and

(f) that it is an offence to fail to comply with the notice; and

(g) the maximum penalty for a failure to comply with the notice.

(3) The compliance notice must be accompanied by an information notice about the commission's decision to give the compliance notice.

(4) The date stated in the notice under subsection (2)(d) must be at least 14 days after the notice is given.

(5) The child safe entity must comply with the notice, unless the entity has a reasonable excuse.

Maximum penalty—100 penalty units.

Note—

See also section 24.

(6) In this section—

child safe entity means—

(a) if the child safe entity is a person—the child safe entity; or

(b) otherwise—the head of the child safe entity.

Division 3 Enforceable undertakings

19 Enforceable undertakings

(1) The commission may accept a written undertaking complying with subsection (2) from a child safe entity.

(2) The written undertaking must—

(a) state the name of the child safe entity;

(b) state the action the entity will take to ensure the child safe standards and universal principle are implemented and complied with;

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(c) state the day by which the action mentioned in paragraph (b) is to be taken;

(d) be signed by the head of the entity.

(3) If the commission decides not to accept the written undertaking, the commission must give written notice of the decision to the child safe entity, including reasons for the decision.

(4) If the commission decides to accept the written undertaking, the undertaking takes effect on the day the commission gives written notice of the decision to the child safe entity.

(5) A written undertaking accepted under subsection (4) is an ***enforceable undertaking***.

20 Amendment of enforceable undertaking

(1) A child safe entity that has given an enforceable undertaking may apply to the commission to amend the enforceable undertaking.

(2) The commission may approve the application only if the commission considers the amendment is appropriate in the circumstances and will ensure the child safe entity implements and complies with the child safe standards and universal principle.

(3) If the commission refuses the application, the commission must give written notice of the refusal to the child safe entity, including reasons for the decision.

(4) If the commission approves the application, the amended enforceable undertaking takes effect on the day the commission gives written notice of the approval to the child safe entity.

21 Requirement to comply with enforceable undertaking

(1) A child safe entity that gives an enforceable undertaking must comply with the undertaking, unless the entity has a reasonable excuse.

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Maximum penalty—100 penalty units.

(2) In this section—

child safe entity means—

(a) if the child safe entity is a person—the child safe entity; or

(b) otherwise—the head of the child safe entity.

22 Register of enforceable undertakings

(1) The commission must establish and maintain a register of enforceable undertakings accepted by the commission under this division.

(2) The register must—

(a) include a copy of each enforceable undertaking that is in effect for a child safe entity; and

(b) be available for inspection, free of charge, by members of the public, on the commission's website.

Division 4 Other enforcement action

23 Application to court

(1) The commission may apply to the court for an order under this section if the commission is satisfied a child safe entity has failed to comply with—

(a) a compliance notice; or

(b) an enforceable undertaking.

(2) If the court is satisfied the child safe entity has failed to comply with the compliance notice or enforceable undertaking, the court may make 1 or more of the following orders—

(a) an order directing the child safe entity to comply with the compliance notice or enforceable undertaking;

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(b) an order that the child safe entity pay the State as a civil penalty an amount of no more than 100 penalty units;

(c) any other order the court considers appropriate.

(3) In fixing the penalty, the court must consider—

(a) the size of, and resources available to, the child safe entity; and

(b) the nature and extent of the non-compliance; and

(c) the circumstances in which the contravention took place; and

(d) the likely harm caused by the failure to comply; and

(e) whether the child safe entity has previously failed to comply with a compliance notice or enforceable undertaking.

(4) In this section—

court means a Magistrates Court.

24 Publication of non-compliance

(1) This section applies if a child safe entity does not, without reasonable excuse, comply with—

(a) a compliance notice; or

(b) an enforceable undertaking.

(2) The commission may decide to publish on the commission's website—

(a) the name of the child safe entity; and

(b) details of the entity's failure to comply with the compliance notice or enforceable undertaking.

(3) However, the commission must not publish the information unless the child safe entity has been given a written notice of the commission's intention to publish the information, and the entity has been given a reasonable opportunity to respond.

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(4) If the commission decides to publish information under subsection (2), the commission must give the child safe entity an information notice for the decision.

Chapter 3 Reportable conduct scheme

Part 1 Preliminary

25 Principles for administering chapter

(1) This chapter is to be administered under the principles stated in this section.

(2) The main principle for administering this chapter is that the protection of children from harm, and the wellbeing and best interests of children, are paramount.

(3) Other principles for administering this chapter are—

(a) the right to cultural safety of children who are Aboriginal persons or Torres Strait Islander persons is to be promoted; and

(b) if a child is able to form views on a matter concerning a reportable allegation or reportable conviction and it is appropriate in the circumstances to consult the child—

(i) the child should be given the opportunity to express the views freely; and

(ii) the views should be given due weight in an investigation relating to the allegation or conduct in the circumstances; and

(c) criminal conduct or suspected criminal conduct should be reported to the police service promptly; and

(d) a police investigation of the subject matter of a reportable allegation or reportable conviction has

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priority over any other investigation of the conduct under this chapter; and

(e) sector regulators have the expertise, knowledge and skills in relation to the reporting entities they regulate and, if their functions permit, can make an important contribution to investigations of reportable allegations and reportable convictions; and

(f) the commission and sector regulators should work collaboratively and reduce duplication to the extent possible; and

(g) information should be shared between the commission, sector regulators and reporting entities in a timely way in relation to reportable allegations and reportable convictions in order to minimise the risk of harm to children; and

(h) individuals who are the subject of an investigation of a reportable allegation or reportable conviction are entitled to be afforded natural justice in the conduct of the investigation; and

(i) the commission should—

(i) educate and guide reporting entities to improve their ability to identify reportable conduct and report and investigate reportable allegations and reportable convictions; and

(ii) educate and guide sector regulators to assist reporting entities in complying with this chapter.

26 Meaning of *reportable conduct*

(1) The following conduct is ***reportable conduct***—

(a) a child sexual offence;

(b) sexual misconduct committed in relation to, or in the presence of, a child;

(c) ill-treatment of a child;

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(d) significant neglect of a child;

(e) physical violence committed in relation to, or in the presence of, a child;

(f) behaviour that causes significant emotional or psychological harm to a child.

(2) Conduct mentioned in subsection (1) is ***reportable conduct*** whether or not a criminal proceeding in relation to the conduct has been commenced or concluded.

(3) Conduct may constitute ***reportable conduct*** if it is engaged in—

(a) as a single act or omission; or

(b) as a series of acts or omissions, even if each act or omission does not, of itself, amount to reportable conduct.

(4) However, ***reportable conduct*** does not include conduct that is reasonable for the discipline, management or care of a child having regard to—

(a) the characteristics of the child, including the age, developmental stage and health of the child; and

(b) any code of conduct or professional standard applying to the conduct.

(5) In this section—

child sexual offence means the following—

(a) a child sexual offence under the Criminal Code, section 207A;

(b) an offence of a sexual nature committed in the presence of a child;

(c) an act or omission committed outside Queensland that would be an offence mentioned in paragraph (a) or (b) if it were committed in Queensland.

emotional or psychological harm, to a child, means detriment to the emotional or psychological wellbeing or development of a child.

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ill-treatment, of a child, means conduct towards the child that is unreasonable and seriously inappropriate, improper, inhumane or cruel.

Examples of ill-treatment—

- making excessive or degrading demands
- a pattern of hostile or degrading comments or behaviour
- using inappropriate forms of behaviour management

neglect, of a child, means a failure to meet the basic needs of the child that is deliberate or reckless.

physical violence—

(a) means—

(i) the intentional or reckless application of physical force to a person without lawful justification or excuse; or

(ii) an act that intentionally or recklessly causes a person to anticipate immediate and unlawful violence to the person; but

(b) does not include the application of trivial, negligible or insignificant physical force to a person.

sexual misconduct, committed in relation to, or in the presence of, a child means conduct that is sexual in nature, other than conduct that constitutes a child sexual offence.

Examples of conduct that may be sexual misconduct—

- inappropriate touching
- voyeurism
- use of sexual language without a legitimate reason

27 Meaning of *reportable allegation*

(1) A ***reportable allegation*** is an allegation or other information that leads a person to form a reasonable belief that a worker of a reporting entity has committed—

(a) reportable conduct; or

(b) misconduct that may involve reportable conduct.

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(2) For subsection (1), it is irrelevant whether or not the conduct or misconduct is alleged to have occurred in the course of the worker performing work for the reporting entity.

28 Meaning of *reportable conviction*

(1) A ***reportable conviction***, of a worker of a reporting entity, is a conviction for an offence committed by the worker against a law of a State or the Commonwealth that may involve reportable conduct.

(2) For subsection (1), a conviction includes the following—

(a) a finding of guilt, and the acceptance of a plea of guilty, by a court, whether or not a conviction is recorded;

(b) a spent conviction, or a conviction that has become spent under a law of another State or the Commonwealth.

29 Meaning of *reporting entity*

A ***reporting entity*** is an entity—

(a) that cares for, supervises or exercises authority over children, whether as a primary function or otherwise; and

(b) that is either—

(i) mentioned in schedule 2; or

(ii) prescribed by regulation.

Part 2 Requirement for systems

30 Head of reporting entity must ensure systems in place

(1) The head of a reporting entity must ensure the entity has in place—

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(a) a system for preventing the commission of reportable conduct by a worker of the entity in the course of performing work for the entity; and

(b) a system for enabling any person, including a worker of the entity, to notify the head of the entity of a reportable allegation or reportable conviction relating to a worker of the entity of which the person becomes aware; and

(c) a system for enabling any person, including a worker of the entity, to notify the commission of a reportable allegation or reportable conviction involving the head of the entity of which the person becomes aware; and

(d) a system for investigating and responding to a reportable allegation or reportable conviction relating to a worker of the entity.

(2) For subsection (1), a system for a matter may include, for example, a policy, practice or procedure about the matter.

31 Commission may require information about systems

(1) The commission may ask the head of a reporting entity for information about a system the head of the entity is required to keep under section 30.

Note—

An authorised officer may require a relevant person to give information mentioned in this section. See section 91.

(2) The commission may—

(a) consult with a sector regulator for the reporting entity about the information provided by the entity; and

(b) make recommendations for action to be taken by the head of the reporting entity in relation to the system, and provide any necessary information relating to the recommendations.

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Part 3 Requirements for notifying and investigating reportable allegations and reportable convictions

Division 1 Preliminary

32 Meaning of *worker* for part

In this part, ***worker*** of an entity includes a former worker of the entity, if—

(a) for a reportable allegation—the alleged conduct the subject of the allegation was engaged in during the period when the worker was performing work for the entity; or

(b) for a reportable conviction—the worker was convicted during a period when the worker was performing work for the entity.

Division 2 Notification

33 Notifying reportable allegations or reportable convictions

(1) This section applies if a person becomes aware of either of the following—

(a) a reportable allegation about a worker of a reporting entity;

(b) a reportable conviction of a worker of a reporting entity.

(2) If the person (the ***notifier***) who becomes aware of the allegation or conviction mentioned in subsection (1) is also a worker of the reporting entity, the notifier must, as soon as practicable—

(a) report the matter to the head of the reporting entity; or

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(b) if the matter relates to the head of the reporting entity—report the matter to the commission.

(3) However, subsection (2) does not apply to the notifier if the notifier reasonably believes the matter has already been reported by another person under that subsection.

(4) Any person, including a notifier mentioned in subsection (2), may notify the commission of a reportable allegation or reportable conviction about a person at any time.

(5) To remove any doubt, it is declared that a person does not commit an offence against this or another Act only because the person fails to comply with subsection (2).

34 Head of reporting entity must notify commission of reportable allegation or reportable conviction relating to worker

(1) This section applies if the head of a reporting entity becomes aware of either of the following—

(a) a reportable allegation about a worker of the entity;

(b) a reportable conviction of a worker of the entity.

(2) Unless the head of the reporting entity has a reasonable excuse, the head of the entity must give the commission written notice about the allegation or conviction mentioned in subsection (1) that complies with section 35(1) (an ***initial report***), within—

(a) 3 business days after the head of the entity becomes aware of the allegation or conviction; or

(b) if the commission agrees to a longer period—the longer period.

Maximum penalty—100 penalty units.

(3) Also, unless the head of the reporting entity has a reasonable excuse, the head of the entity must give the commission either a written report that complies with section 35(2) (an ***interim report***) or final report about the allegation or conviction mentioned in subsection (1), within—

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(a) 30 business days after the head of the entity becomes aware of the allegation or conviction; or

(b) if the commission agrees to a longer period—the longer period.

Maximum penalty—100 penalty units.

(4) It is a reasonable excuse for the head of the reporting entity not to comply with a requirement under subsection (2) or (3) if the head of the entity reasonably believes another person has notified the commission of the reportable allegation or reportable conviction under the subsection.

35 Requirements for initial report and interim report

(1) An initial report must include the following information—

(a) details of the reportable allegation or reportable conviction;

(b) the name, including any former name or alias, of the worker the subject of the reportable allegation or reportable conviction;

(c) the date of birth of the worker, if known;

(d) the name of the head of the reporting entity;

(e) whether the sector regulator for the reporting entity or the police service has been contacted about the reportable allegation or reportable conviction;

(f) the reporting entity's contact details, including its name, address and telephone number;

(g) if the worker currently performs work for the reporting entity—any action, including risk management action, taken in response to the reportable allegation or reportable conviction, including, for example—

(i) immediate steps taken to prevent the worker from having contact with children; and

(ii) any disciplinary action taken or proposed to be taken against the worker;

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(h) any other matter prescribed by regulation.

(2) An interim report by the head of a reporting entity must include the following information—

(a) the facts and circumstances of the reportable allegation or the reportable conviction, to the extent it is available to the head of the reporting entity;

(b) an update on any action, including risk management action, taken in response to the reportable allegation or reportable conviction; and

(c) if the worker has made written submissions to the head of the reporting entity in relation to the reportable allegation or reportable conviction—a copy of the worker's written submissions.

Division 3 Investigation and report by head of reporting entity

36 Head of reporting entity must investigate reportable allegation or reportable conviction

(1) As soon as practicable after the head of a reporting entity becomes aware of a reportable allegation or reportable conviction relating to a worker of the entity, the head of the entity must—

(a) ensure an investigation of the reportable allegation or reportable conviction is conducted; and

(b) notify the commission that the investigation is being conducted and provide contact details for a person the commission may contact in relation to the investigation.

(2) However, if the head of the reporting entity is not reasonably able to investigate the reportable allegation or reportable conviction, the head of the entity—

(a) need not comply with subsection (1); and

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(b) must, as soon as practicable after the head of the entity becomes aware of the allegation or conviction—

(i) notify the commission of the allegation or conviction; and

(ii) give the commission reasons why the head of the entity can not reasonably investigate.

(3) Before an investigation under subsection (1) ends, the head of the reporting entity must ensure the worker the subject of the reportable allegation or reportable conviction is given a written notice stating—

(a) any proposed findings for the investigation that may be adverse to the worker; and

(b) that the worker may, within a reasonable stated period, give written submissions to the person conducting the investigation about the proposed findings.

(4) The head of the reporting entity must ensure the worker's submissions are considered in preparing a report under section 37.

37 Report by head of reporting entity

(1) As soon as practicable after the investigation is completed, the head of the reporting entity must prepare, and give to the commission, a written report that complies with subsection (2) (a ***final report***).

Maximum penalty—100 penalty units.

(2) The report must include—

(a) information about the facts and circumstances of the reportable allegation or reportable conviction; and

(b) the findings the head of the reporting entity has made about the reportable allegation or reportable conviction after completing the investigation, including whether or not the worker has engaged in reportable conduct; and

(c) the reasons for the findings; and

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(d) copies of documents relied on by the head of the reporting entity in making the findings; and

Examples of documents—

- statements taken during the investigation
- documents mentioned in the report
- submissions made by the worker

(e) if the matter involves any other entities—information about whether the matter has been referred to another entity, including details of the other entity; and

(f) if the worker currently performs work for the entity—any action, including risk management action, taken in response to the reportable allegation or reportable conviction, including, for example—

(i) any immediate steps taken to prevent the worker from having contact with children; and

(ii) any disciplinary action taken or proposed to be taken against the worker; and

(g) any action taken, or proposed to be taken, to improve the reporting entity's ability to identify reportable conduct and to report and investigate reportable allegations and reportable convictions; and

Examples of actions—

- reviewing systems or policies
- improving the implementation of, and compliance with, the child safe standards and universal principle

(h) if no action mentioned in paragraph (f) or (g) is to be taken—the reasons why no action is to be taken.

(3) However, subsection (1) does not apply if, before the head of the reporting entity complies with this section—

(a) a sector regulator agrees to conduct an investigation of the reportable allegation or reportable conviction under section 42 and the sector regulator has given a written notice asking the entity to end the investigation under that section; or

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(b) the commission gives a written notice of the commission's investigation of the reportable allegation or reportable conviction under section 43(2)(c) asking the head of the entity to end the investigation.

38 Commission may ask for further information

After receiving the final report, the commission may ask the head of the reporting entity to provide further information the commission considers relevant in relation to—

(a) the findings of the head of the entity in relation to the reportable allegation or reportable conviction; or

(b) the reporting entity's response to the findings.

Note—

An authorised officer may require a relevant person to give information mentioned in this section. See section 91.

Division 4 Exemptions

39 Commission may exempt reporting entities from complying with part

(1) This section applies in relation to a reporting entity if the commission is satisfied—

(a) the entity has the competence and resources to investigate a reportable allegation or reportable conviction without the oversight of the commission; and

(b) the entity has demonstrated competence in taking appropriate action in response to a finding of reportable conduct.

(2) The commission may exempt the reporting entity from complying with section 34, 35 or 37, or a particular requirement under section 33 or 36, in relation to the conduct, or a class of conduct, of workers.

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(3) If the commission exempts a reporting entity under subsection (2), the commission must—

(a) notify the entity of the exemption; and

(b) publish the exemption on the commission's website.

(4) Subsection (5) applies if the commission exempts a reporting entity from the requirement to give a final report about an investigation of conduct, or a class of conduct, the subject of a reportable allegation or reportable conviction.

(5) The head of the reporting entity must, as soon as practicable after the completion of an investigation into the conduct, or conduct of that class, give the commission written notice stating—

(a) the findings of the head of the entity in relation to the reportable allegation or reportable conviction; and

(b) the reasons for the findings; and

(c) the action taken by the entity in relation to the findings.

(6) A regulation may prescribe a matter for the giving of an exemption by the commission under this section, including, for example, the following—

(a) a requirement for the giving of an exemption under subsection (2);

(b) a limitation on the reporting entities that may be given an exemption.

Part 4 Oversight by Queensland Family and Child Commission

Division 1 Functions

40 Functions of commission

The commission's functions for this chapter are—

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(a) to administer, monitor and enforce compliance with the reportable conduct scheme; and

(b) to facilitate the appropriate exchange of information under chapter 4; and

(c) to educate and provide advice to the public, sector regulators and reporting entities in relation to the reportable conduct scheme and ways to prevent reportable conduct; and

(d) to facilitate cooperation between the public, reporting entities, sector regulators and other entities in relation to the conduct of investigations of reportable allegations and reportable convictions; and

(e) to report to the Minister about matters relating to the reportable conduct scheme.

Division 2 Enforcement measures

41 Commission may monitor reporting entity's investigation

(1) If the commission considers it is in the public interest, the commission may monitor the progress of an investigation of a reportable allegation or reportable conviction conducted by the head of a reporting entity.

(2) Without limiting subsection (1), the commission may, for example, do the following to monitor an investigation—

(a) observe an interview conducted by or on behalf of the head of the reporting entity;

(b) confer with a person carrying out the investigation about the nature, conduct or progress of the investigation;

(c) provide guidance and advice to the head of the reporting entity about the investigation;

(d) request information relating to the investigation.

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Note—

An authorised officer may require a relevant person to give information mentioned in paragraph (d). See section 91.

42 Commission may ask sector regulator to investigate

(1) The commission may ask a sector regulator for a reporting entity, other than the police service—

(a) to investigate a reportable allegation or reportable conviction relating to a worker of the reporting entity; and

(b) if the reporting entity has started an investigation of the allegation or conviction—to ask the reporting entity to end its investigation.

(2) However, the commission may make a request under subsection (1) only if the sector regulator has the necessary functions and powers in relation to the reporting entity to investigate the allegation or conviction.

(3) The sector regulator may agree or refuse to conduct the investigation.

(4) If the sector regulator agrees to conduct the investigation, the commission may, by written notice, ask the sector regulator to give the commission information relating to—

(a) the investigation being conducted; or

(b) the person the subject of the investigation.

Note—

An authorised officer may require a relevant person to give information mentioned in this section. See section 91.

(5) As soon as practicable after an investigation by the sector regulator ends, the sector regulator must give the following persons written notice about the findings of the investigation—

(a) the commission;

(b) the head of the reporting entity.

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(6) The written notice must state the following for the investigation—

(a) the sector regulator's findings, including whether or not reportable conduct has been engaged in by the worker;

(b) the reasons for the findings;

(c) any recommendations the sector regulator thinks fit, and any necessary information relevant to the recommendations.

Division 3 Investigations by commission

43 Commission may investigate reportable allegation or reportable conviction

(1) The commission may, on the commission's own initiative, investigate a reportable allegation or reportable conviction if any of the following apply—

(a) the commission—

(i) believes the allegation or conviction relates to a worker of a reporting entity; and

(ii) considers it is in the public interest that the commission investigate the allegation or conviction;

(b) the commission believes the head of the reporting entity required to investigate the allegation or conviction has failed to investigate, or is reasonably unable to investigate, under section 36;

(c) both of the following apply—

(i) the investigation relates to the head of a reporting entity's handling or investigation of, or response to, the allegation or conviction;

(ii) the commission considers it is in the public interest that the commission investigate the allegation or conviction;

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(d) the head of a reporting entity is the subject of the allegation or conviction.

Note—

An authorised officer may require a relevant person to give information relevant to an investigation conducted under this section. See section 91.

(2) Before the commission starts an investigation under subsection (1), the commission must give written notice to the head of the reporting entity stating—

(a) that the commission will be investigating the allegation or conviction; and

(b) the matters to be investigated; and

(c) whether the commission is requesting that the head of the reporting entity not to commence, or to end, an investigation of the allegation or conviction.

(3) Before the investigation ends, the commission must give the worker the subject of the allegation or conviction a written notice stating—

(a) any proposed findings for the investigation that may be adverse to the worker; and

(b) that the worker may, within a reasonable stated period, give written submissions to the commission about the proposed findings.

(4) The commission must have regard to the worker's submissions in making its findings for the investigation.

44 Commission may interview child

(1) In conducting an investigation under section 43, the commission may interview—

(a) a child who is the subject of conduct to which the reportable allegation or reportable conviction relates; or

(b) a child who may have witnessed conduct to which the reportable allegation or reportable conviction relates.

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(2) Before interviewing the child, the commission must obtain the consent of the child's parent or guardian, unless—

(a) both of the following apply—

(i) the child is at least 16 years and the commission considers the child has sufficient maturity and ability to understand the matters being consented to;

(ii) it is appropriate in the circumstances not to obtain the consent of the child's parent or guardian; or

Examples for subparagraph (ii)—

It may be appropriate in the circumstances not to obtain the consent of the child's parent or guardian if the parent or guardian does not have capacity to act in the best interests of the child in relation to the consent.

(b) the child's only parent or guardian is the subject of the investigation; or

(c) the child's parent or guardian can not reasonably be located.

(3) If the consent of the child's parent or guardian is not obtained under subsection (2), before interviewing the child the commission must obtain the consent of the child.

(4) The commission must—

(a) ensure the person who conducts the interview has the appropriate qualifications, training or experience in interviewing child victims of alleged abuse; and

(b) consider, and take all reasonable steps to mitigate, any negative effect the interview may have on the child; and

(c) consider whether it is appropriate for the parent, a person with parental responsibility or guardian of the child to be present during the interview; and

(d) ensure the child is offered the opportunity for a support person to be present.

(5) If the child is an Aboriginal person or Torres Strait Islander person from an Aboriginal community or Torres Strait

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Islander community, the child must be offered the opportunity for the support person mentioned in subsection (4)(d) to be a person who is a respected person of that community.

45 Commission must give notice about findings of investigation

(1) As soon as practicable after an investigation by the commission ends, the commission must give the following persons a written notice under subsection (2)—

(a) the head of the reporting entity;

(b) the worker the subject of the reportable allegation or reportable conviction;

(c) any sector regulators for the reporting entity.

(2) The written notice must—

(a) state the commission's findings, including whether or not reportable conduct has been engaged in by the worker; and

(b) state the reasons for the findings; and

(c) state any recommendations the commission thinks fit, and any necessary information relevant to the recommendations; and

(d) if the findings are adverse to the worker—be accompanied by an information notice for the findings.

Part 5 Miscellaneous

46 Concurrent investigations

(1) Subsection (2) applies if—

(a) the head of a reporting entity, a sector regulator or the commission is investigating, or proposes to investigate, a reportable allegation; and

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(b) the head of the reporting entity, sector regulator or commission becomes aware that the conduct the subject of the reportable allegation may involve criminal conduct.

(2) The head of the reporting entity, sector regulator or commission must, as soon as practicable, notify a police officer of the belief.

(3) Subsection (4) applies if the police commissioner becomes aware that an investigation or proposed investigation by the head of an entity, a sector regulator or the commission may prejudice a police investigation.

(4) The police commissioner may ask the head of the reporting entity, sector regulator or commission to suspend, or not commence, an investigation until the police investigation is complete, or the police commissioner otherwise advises that the head of the entity, sector regulator or commission may continue or commence its investigation.

(5) The head of the reporting entity, sector regulator or commission must take all reasonable steps to mitigate any risks to the safety, wellbeing and best interests of children that may arise as a result of complying with the police commissioner's request.

(6) If the head of a reporting entity, a sector regulator or the commission that has given notice to a police officer under subsection (2) does not receive a request under subsection (4), the head of the entity, sector regulator or the commission must ensure the investigation is conducted in a way that does not prejudice the police investigation.

(7) A request by the police commissioner under subsection (4) does not affect another investigation, disciplinary process or other proceeding relating to the conduct that is being conducted other than under this Act.

(8) In this section—

police investigation includes any court proceeding resulting from the investigation.

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Chapter 4 Disclosure of information and confidentiality

Part 1 Underlying principle

47 Underlying principle

(1) It is a principle underlying this chapter that entities should disclose information—

(a) in a timely way; and

(b) regardless of whether the information is requested by the entity to which it is disclosed; and

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

(i) the relevance of the information to the performance by the commission of its functions under chapter 2 or 3; and

(ii) the effect of giving the information on protecting children or a particular child from harm and ensuring the safety, wellbeing and best interests of children or a particular child.

(2) However, in disclosing information under this chapter, an entity must ensure the identity of a child the subject of the information is protected as far as practicable.

Note—

See also section 58 for when publication of particular information is prohibited.

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Part 2 Disclosure for child safe standards

48 Prescribed child safe entities may disclose confidential information

(1) This section applies in relation to the following entities (each a ***prescribed CSS entity***)—

(a) the commission;

(b) a sector regulator for a child safe entity;

(c) a child safe entity;

(d) a public sector entity under the *Public Sector Act 2022*, section 8;

(e) the inspector of detention services under the *Inspector of Detention Services Act 2022*;

(f) the Office of the Ombudsman established under the *Ombudsman Act 2001*, section 73;

(g) another entity prescribed by regulation.

(2) A prescribed CSS entity may disclose confidential information to another prescribed CSS entity for any of the following purposes—

(a) to respond to a concern about a failure to implement or comply with the child safe standards or universal principle;

(b) to assist the commission in performing a function or exercising a power under chapter 2;

(c) to assist the commission in performing a function or exercising a power under chapter 3 by providing information about compliance with a requirement under chapter 2 by a reporting entity.

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Part 3 Disclosure for reportable conduct scheme

49 Particular entities may share information for reportable conduct scheme

(1) This section applies in relation to the following entities (each a ***prescribed RCS entity***)—

(a) the commission;

(b) a sector regulator for a reporting entity;

(c) a reporting entity if a worker of the entity is, or has been, the subject of a reportable allegation or reportable conviction;

(d) a department;

(e) the Crime and Corruption Commission;

(f) the Office of the Director of Child Protection Litigation established under the *Director of Child Protection Litigation Act 2016*, section 35;

(g) the inspector of detention services under the *Inspector of Detention Services Act 2022*;

(h) the Office of the Ombudsman established under the *Ombudsman Act 2001*, section 73;

(i) the police service;

(j) a police force or service of another State or the Commonwealth;

(k) the office of the public guardian established under the *Public Guardian Act 2014*, section 102;

(l) the Public Sector Commission under the *Public Sector Act 2022*;

(m) an entity performing functions under a law of another State or the Commonwealth that are substantially the same as the functions of the commission under chapter 3;

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(n) another entity prescribed by regulation.

(2) The head of a prescribed RCS entity may disclose relevant information to the head of another prescribed RCS entity (the ***receiving entity***) for the following purposes—

(a) to lessen or prevent a serious risk or threat to the life, health or safety of a child or class of children;

(b) if the receiving entity is the police service or a police force or service of another State or the Commonwealth—to enable the investigation of criminal conduct;

(c) if the receiving entity is the commission—for the performance of the commission's functions under chapter 3;

(d) for an investigation by the receiving entity of a reportable allegation or reportable conviction;

(e) for taking appropriate action by a reporting entity or sector regulator for a reporting entity in relation to a finding that reportable conduct has been engaged in by a worker of the reporting entity; or

(f) for a receiving entity other than an entity mentioned in subsection (1)(c)—for the performance of a function by the receiving entity under an Act that relates to the protection of children from harm;

(g) for another purpose necessary for the effective administration of the reportable conduct scheme prescribed by regulation.

(3) A prescribed RCS entity may disclose relevant information in a circumstance mentioned in subsection (2) whether or not the receiving entity has requested the information.

(4) For subsection (2), a reference to the head of the commission is a reference to each commissioner.

(5) A regulation prescribing an entity under subsection (1)(n) may limit the purposes for which the entity may receive or disclose information.

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(6) In this section—

relevant information—

(a) means the following—

(i) information about the progress of an investigation of a reportable allegation or reportable conviction;

(ii) the findings and reasons for the findings of an investigation mentioned in subparagraph (i);

(iii) any action that is to be taken in response to the findings mentioned in subparagraph (ii);

(iv) any other information about a reportable allegation or reportable conviction that would assist a prescribed RCS entity to comply with chapter 3; but

(b) does not include evidentiary material or a relevant record or transcript under section 52(9).

50 Disclosure of information to persons affected by investigation

(1) A commissioner or the head of a sector regulator or reporting entity may disclose information mentioned in subsection (2) to—

(a) a child who is the subject of conduct that forms the basis of an investigation of a reportable allegation or reportable conviction; or

(b) a parent, person with parental responsibility or guardian of the child.

(2) For subsection (1), the information is—

(a) the progress of an investigation of the reportable allegation or reportable conviction; and

(b) the findings of the investigation; and

(c) the reasons for the findings; and

(d) any action that is to be taken in response to the findings.

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(3) However, the commissioner or head of a sector regulator or reporting entity must not disclose information under this section if the disclosure would—

(a) put the safety or wellbeing of the child or any other person at risk; or

(b) prejudice a proceeding or investigation.

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

(1) This section applies if the commission makes a finding, or becomes aware that a finding has been made, that an individual has engaged in reportable conduct.

(2) The commission must notify the chief executive (working with children) of the following matters—

(a) the name and date of birth, if known, of the individual;

(b) that the finding has been made;

(c) the reasons for the finding;

(d) the action that is to be taken in response to the finding;

(e) any other matter relating to the finding that may be relevant to the performance of the functions of the chief executive (working with children) under the *Working with Children Check Act 2000*.

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.

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(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).

52 Obtaining information from director of public prosecutions or police commissioner

(1) This section applies if—

(a) the commission or a prescribed RCS entity becomes aware that a person has been charged or convicted of an offence involving an act or omission that is the subject of a reportable allegation or reportable conviction; and

(b) either—

(i) the commission requires information mentioned in subsection (2) to perform a function or exercise a power under chapter 3 in relation to the allegation or conviction; or

(ii) the prescribed RCS entity requires information mentioned in subsection (2) to comply with a requirement under chapter 3, part 3 or section 42 to notify or investigate the reportable allegation or reportable conviction.

(2) The commission or head of the prescribed RCS entity may, by written notice, ask the director of public prosecutions or police commissioner for the following—

(a) a written statement briefly describing the circumstances of a charge or conviction for the offence;

(b) a copy or written summary of evidentiary material about the offence;

(c) if the entity making the request is the commission—a copy or written summary of a relevant record or transcript;

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(d) if a charge for the offence was not proceeded with—a written summary of the reasons why the charge was not proceeded with.

(3) The request may include the following information—

(a) the worker's name, including any former name or alias, the head of the prescribed RCS entity believes the worker may use or have used;

(b) the worker's gender and date of birth.

(4) The director of public prosecutions or police commissioner may comply with a request under subsection (2) if the director or police commissioner believes—

(a) for a request made by the commission—the statement, copy or summary is necessary for the performance or exercise of the commission's functions or powers under chapter 3; or

(b) for a request made by a prescribed RCS entity—the information is necessary to enable the head of the prescribed RCS entity to notify and investigate a reportable allegation or reportable conviction relating to a worker under chapter 3, part 3.

(5) However, the director of public prosecutions or police commissioner must not give the commission or head of a prescribed RCS entity a copy or written summary of evidentiary material or a relevant record or transcript—

(a) that relates only to a person other than the person about whom the request is made; or

Example of evidentiary material for paragraph (a)—

a report by an expert about a person other than the person about whom the request is made

(b) that relates to a person other than the person about whom the request is made and does not relate to the charge or conviction of the offence the subject of the request.

(6) The director of public prosecutions or police commissioner must not give information to the commission or head of a

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prescribed RCS entity under this section if the director or police commissioner is satisfied that giving the information may do any of the following—

(a) prejudice the investigation of a contravention or possible contravention of a law in a particular case;

(b) enable the existence or identity of a confidential source of information, in relation to the enforcement or administration of the law, to be ascertained;

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

(d) prejudice a prosecution or another matter before a court;

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

(7) The giving of information under this section by the director of public prosecutions or police commissioner is authorised despite any other Act or law, including a law imposing an obligation to maintain confidentiality about the information.

Note—

See sections 56 and 57 for restrictions on disclosing or giving access to information obtained under this Act.

(8) Without limiting subsection (7), this section applies despite—

(a) the *Director of Public Prosecutions Act 1984*, section 24A; or

(b) the *Police Service Administration Act 1990*, section 10.1.

(9) In this section—

evidentiary material, about an offence, means material compiled in the course of the investigation or prosecution of the offence, including, for example, the following—

(a) a summary of the circumstances of the alleged offence prepared by a police officer;

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Examples—

bench charge sheet, QP9

(b) a witness statement;

(c) an indictment;

(d) a record of an interview or a transcript of a record of an interview other than a relevant record or transcript;

(e) a report by an expert about the worker alleged to have committed the offence.

relevant record or transcript means—

(a) a recording under the *Evidence Act 1977*, section 21AY; or

(b) a section 93A criminal statement or a section 93A transcript under the *Evidence Act 1977*, schedule 3; or

(c) a recorded statement under the *Evidence Act 1977*, section 103A, or a transcript of the recorded statement.

Part 4 General provisions for disclosure

53 Disclosure to another State or the Commonwealth

(1) The commission may disclose confidential information obtained under this Act to a corresponding entity for a matter relevant to the performance of a function by the corresponding entity.

(2) In this section—

corresponding entity means an entity performing functions under a law of another State or the Commonwealth that are substantially the same as the functions of the commission under this Act.

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54 Information sharing arrangements

The commission may enter into a written arrangement about sharing or exchanging information under part 2 or 3 with the following entities—

(a) for information for the performance of the commission's functions under part 2—a prescribed CSS entity;

(b) for information for the performance of the commission's functions under part 3—a prescribed RCS entity;

(c) for information mentioned in section 53—a corresponding entity under that section.

55 Interaction with other laws

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

(2) This chapter does not permit disclosure of the following information—

(a) the identity of a notifier under the *Child Protection Act 1999*, section 186 that must not be disclosed under section 186A of that Act;

(b) the identity of a detention centre employee that must not be disclosed under the *Youth Justice Act 1992*, section 300.

(3) Subject to subsection (2), information may be given under this chapter and chapter 3 despite any other law that would otherwise prohibit or restrict the giving of the information.

(4) Nothing in this chapter requires a person or entity to disclose information that is subject to privilege.

(5) If information is subject to privilege, the privilege is not waived, or otherwise affected, merely because the information may be, or is, disclosed under this chapter.

(6) In this section—

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privilege means any privilege a person may claim under an Act or law, including, for example, legal professional privilege.

Chapter 5 Confidentiality and protection

56 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) a commissioner; or

(c) a staff member of the commission; or

(d) a person consulted, engaged or employed by the commission for this Act.

(3) A person may make a record of confidential information or disclose it to someone else to the extent the making of the record or disclosure is a permitted use.

(4) A commissioner may decide confidential information may be disclosed to a person if the commissioner is satisfied—

(a) the disclosure is reasonably necessary—

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(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.

(5) In this section—

permitted use, for the making of a record, or disclosure, of confidential information, means use of the information for—

(a) the performance of the person's functions under or in relation to this Act; or

(b) a disclosure permitted by a commissioner under subsection (4); or

(c) a purpose permitted under this Act; or

(d) a purpose authorised or required under another law; or

(e) complying with a lawful process requiring the production of documents or giving of evidence before a court or tribunal; or

(f) a purpose with the written consent of the person to whom the information relates; or

(g) lessening or preventing a serious threat to a person's life, health or safety.

57 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—

(a) by a person mentioned in section 56; or

(b) under chapter 4, part 2 or 3.

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

Maximum penalty—200 penalty units.

(3) However, the receiver may use the information or disclose it to someone else for a permitted use under section 56(5).

58 Prohibition on publishing particular information

(1) A person must not publish, or cause to be published, information that would enable—

(a) a child to be identified as a child in relation to whom a child safe entity has, or is alleged to have, failed to comply with the child safe standards and universal principle; or

(b) a person to be identified as someone who has reported a reportable allegation or reportable conviction under section 33; or

(c) a child to be identified as a child who is the subject of conduct by a worker that forms the basis of—

(i) a reportable allegation or reportable conviction; or

(ii) a finding that reportable conduct has been engaged in.

Maximum penalty—200 penalty units.

(2) However, subsection (1) does not apply to the publication of information if—

(a) the person identified is an adult and the information is published by, or with the informed consent of, the person; or

(b) the person identified is a child and the information is published by the child; or

(c) the publication is authorised or required under another Act or law.

(3) In this section—

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informed consent, in relation to the publication of information, means consent by a person after being told—

(a) the information to be published; and

(b) to whom it is to be published; and

(c) the reason for the publication.

publish means to disseminate or provide access to the public by any means, including by—

(a) publication in a book, newspaper, magazine or other written publication; or

(b) broadcast by radio, television or the internet; or

(c) broadcast on a social media platform or an online social network; or

(d) public exhibition.

59 Protection from liability for giving information

(1) This section applies if a person, acting in good faith and without negligence—

(a) gives information under this chapter or chapter 4; or

(b) gives information in relation to a reportable allegation or reportable conviction to—

(i) the commission; or

(ii) a sector regulator; or

(iii) a child safe entity; or

(iv) a reporting entity.

(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

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(b) departed from accepted standards of professional conduct.

(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.

60 Reprisal and grounds for reprisals

(1) A person must not cause, or attempt or conspire to cause, detriment to another person because, or in the belief that, any person has provided or may provide information or other assistance to a relevant entity.

(2) An attempt to cause detriment includes an attempt to induce a person to cause detriment.

(3) A contravention of subsection (1) is a reprisal or the taking of a reprisal.

(4) A ground mentioned in subsection (1) as the ground for a reprisal is the unlawful ground for the reprisal.

(5) For the contravention mentioned in subsection (3) to happen, it is sufficient if the unlawful ground is a substantial ground for the act or omission that is the reprisal, even if there is another ground for the act or omission.

(6) In this section—

detriment, to a person, includes—

(a) prejudice to the person's safety; and

(b) prejudice to the person's career, including, for example, dismissal of the person from the person's employment.

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relevant entity means—

(a) the commission; or

(b) a sector regulator; or

(c) a child safe entity; or

(d) a reporting entity.

61 Offence for taking reprisal

A person who takes a reprisal commits an offence.

Maximum penalty—100 penalty units.

Chapter 6 Investigation and enforcement

Part 1 General provisions about authorised officers

Division 1 Appointment

62 Authorised officers under chapter

(1) This chapter includes provision for the appointment of authorised officers, and gives authorised officers particular powers.

(2) The purpose of these provisions is to ensure the commission has available to it suitably qualified persons who can help the commission deal with issues about compliance under this Act.

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63 Functions of authorised officers

An authorised officer has the following functions—

(a) to investigate, monitor and enforce compliance with this Act;

(b) to investigate or monitor whether an occasion has arisen for the exercise of powers under this Act;

(c) to facilitate the exercise of powers under this Act.

64 Appointment

(1) The commission may, by instrument in writing, appoint any of the following persons who are appropriately qualified as authorised officers—

(a) a staff member of the commission;

(b) another public service employee;

(c) a person prescribed by regulation.

(2) However, the commission may appoint a person as an authorised officer only if the commission is satisfied—

(a) if the person will be exercising a power under section 44—the person has appropriate qualifications, training or experience in interviewing child victims of alleged abuse; and

(b) the person is otherwise appropriately qualified to be appointed as an authorised officer.

65 Appointment conditions and limit on powers

(1) An authorised officer holds office on any conditions stated in—

(a) the authorised officer's instrument of appointment; or

(b) a signed notice given to the authorised officer; or

(c) a regulation.

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(2) The instrument of appointment, a signed notice given to the authorised officer or a regulation may limit the authorised officer's powers.

(3) In this section—

signed notice means a written notice signed by a commissioner.

66 When office ends

(1) The office of a person as an authorised officer ends if any of the following happens—

(a) the term of office stated in a condition of office ends;

(b) under another condition of office, the office ends;

(c) the authorised officer's resignation under section 67 takes effect.

(2) Subsection (1) does not limit the ways the office of a person as an authorised officer ends.

(3) In this section—

condition of office means a condition under which the authorised officer holds office.

67 Resignation

An authorised officer may resign by signed notice given to the commission.

Division 2 Identity cards

68 Issue of identity card

(1) The commission must issue an identity card to each authorised officer.

(2) The identity card must—

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(a) contain a recent photo of the authorised officer; and

(b) contain a copy of the authorised officer's signature; and

(c) identify the person as an authorised officer under this Act; and

(d) state an expiry date for the card.

(3) This section does not prevent the issue of a single identity card to a person for this Act and other purposes.

69 Production or display of identity card

(1) In exercising a power in relation to a person in the person's presence, an authorised officer must—

(a) produce the authorised officer's identity card for the person's inspection before exercising the power; or

(b) have the identity card displayed so it is clearly visible to the person when exercising the power.

(2) However, if it is not practicable to comply with subsection (1), the authorised officer must produce the identity card for the person's inspection at the first reasonable opportunity.

(3) For subsection (1), an authorised officer does not exercise a power in relation to a person only because the authorised officer has entered a place as mentioned in section 73(1)(b) or (d).

70 Return of identity card

If the office of a person as an authorised officer ends, the person must return the person's identity card to the commission within 21 days after the office ends unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

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Division 3 Miscellaneous provisions

71 References to exercise of powers

A reference in this Act to the exercise of a power by an authorised officer, other than a reference to the exercise of a specific power, is a reference to the exercise of all or any of an authorised officer's powers under this chapter or a warrant, to the extent the powers are relevant.

72 Reference to document includes reference to reproductions from electronic document

A reference in this chapter to a document includes a reference to an image or writing—

(a) produced from an electronic document; or

(b) not yet produced, but reasonably capable of being produced, from an electronic document, with or without the aid of anything else.

Part 2 Entry of places by authorised officers

Division 1 Power to enter

73 General power to enter places

(1) An authorised officer may enter a place if—

(a) an occupier at the place consents under division 2 to the entry and section 76 has been complied with for the occupier; or

(b) the place is a public place and the entry is made when the place is open to the public; or

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(c) the entry is authorised under a warrant and, if there is an occupier of the place, section 83 has been complied with for the occupier; or

(d) the place is a business and is—

(i) open for carrying on the business; or

(ii) otherwise open for entry.

(2) For subsection (1)(d), a ***place of business*** does not include a part of the place where a person resides.

(3) If the power to enter arose only because an occupier of the place consented to the entry, the power is subject to any conditions of the consent and ceases if the consent is withdrawn.

(4) If the power to enter is under a warrant, the power is subject to the terms of the warrant.

(5) In this section—

public place means a place, or part of a place—

(a) that the public is entitled to use, that is open to members of the public or that is used by the public, whether or not on payment of money; or

Examples of a place that may be a public place under paragraph (a)—

a beach, a park, a road

(b) the occupier of which allows, whether or not on payment of money, members of the public to enter.

Examples of a place that may be a public place under paragraph (b)—

a saleyard, a showground

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Division 2 Entry by consent

74 Application of division

This division applies if an authorised officer intends to ask an occupier of a place to consent to the authorised officer or another authorised officer entering the place under section 73(1)(a).

75 Incidental entry to ask for access

For the purpose of asking the occupier for the consent, an authorised officer may, without the occupier's consent or a warrant—

(a) enter land around premises at the place to an extent that is reasonable to contact the occupier; or

(b) enter part of the place the authorised officer considers members of the public ordinarily are allowed to enter when they wish to contact an occupier of the place.

76 Matters authorised officer must tell occupier

Before asking for the consent, the authorised officer must—

(a) explain to the occupier the purpose of the entry, including the powers intended to be exercised; and

(b) tell the occupier that—

(i) the occupier is not required to consent; and

(ii) the consent may be given subject to conditions and may be withdrawn at any time.

77 Consent acknowledgement

(1) If the consent is given, the authorised officer may ask the occupier to sign an acknowledgement of the consent.

(2) The acknowledgement must state—

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(a) the purpose of the entry, including the powers to be exercised; and

(b) that the occupier has been given an explanation about the purpose of the entry, including the powers intended to be exercised; and

(c) that the occupier has been told—

(i) that the occupier is not required to consent; and

(ii) that the consent may be given subject to conditions and may be withdrawn at any time; and

(d) that the occupier gives the authorised officer or another authorised officer consent to enter the place and exercise the powers; and

(e) the day and time the consent was given; and

(f) any conditions of the consent.

(3) If the occupier signs the acknowledgement, the authorised officer must immediately give a copy to the occupier.

(4) If—

(a) an issue arises in a proceeding about whether the occupier consented to the entry; and

(b) a signed acknowledgement complying with subsection (2) for the entry is not produced in evidence;

the onus of proof is on the person relying on the lawfulness of the entry to prove the occupier consented.

Division 3 Entry under warrant

Subdivision 1 Obtaining warrant

78 Application for warrant

(1) An authorised officer may apply to a magistrate for a warrant for a place.

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(2) The authorised officer must prepare a written application that states the grounds on which the warrant is sought.

(3) The written application must be sworn.

(4) The magistrate may refuse to consider the application until the authorised officer gives the magistrate all the information the magistrate requires about the application in the way the magistrate requires.

Example—

The magistrate may require additional information supporting the written application to be given by statutory declaration.

79 Issue of warrant

(1) The magistrate may issue the warrant for the place only if the magistrate is satisfied there are reasonable grounds for suspecting there is at the place, or will be at the place within the next 7 days, a particular thing or activity that may provide evidence of an offence against this Act.

(2) The warrant must state—

(a) the place to which the warrant applies; and

(b) that a stated authorised officer or any authorised officer may with necessary and reasonable help and force—

(i) enter the place and any other place necessary for entry to the place; and

(ii) exercise the authorised officer's powers; and

(c) particulars of the offence that the magistrate considers appropriate; and

(d) the name of the person suspected of having committed the offence unless the name is unknown or the magistrate considers it inappropriate to state the name; and

(e) the hours of the day or night when the place may be entered; and

(f) the magistrate's name; and

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(g) the day and time of the warrant's issue; and

(h) the day, within 14 days after the warrant's issue, the warrant ends.

80 Electronic application

(1) An application under section 78 may be made by phone, fax, email, radio, videoconferencing or another form of electronic communication if the authorised officer considers it necessary because of—

(a) urgent circumstances; or

(b) other special circumstances, including, for example, the authorised officer's remote location.

(2) The application—

(a) may not be made before the authorised officer prepares the written application under section 78(2); but

(b) may be made before the written application is sworn.

81 Additional procedure if electronic application

(1) For an application made under section 80, the magistrate may issue the warrant (the ***original warrant***) only if the magistrate is satisfied—

(a) it was necessary to make the application under section 80; and

(b) the way the application was made under section 80 was appropriate.

(2) After the magistrate issues the original warrant—

(a) if there is a reasonably practicable way of immediately giving a copy of the warrant to the authorised officer, including, for example, by sending a copy by fax or email, the magistrate must immediately give a copy of the warrant to the authorised officer; or

(b) otherwise—

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(i) the magistrate must tell the authorised officer the information required to be stated in the warrant under section 79(2); and

(ii) the authorised officer must complete a form of warrant, including by writing on it the information mentioned in subparagraph (i).

(3) The copy of the warrant mentioned in subsection (2)(a), or the form of warrant completed under subsection (2)(b) (in either case the ***duplicate warrant***), is a duplicate of, and as effectual as, the original warrant.

(4) The authorised officer must, at the first reasonable opportunity, send to the magistrate—

(a) the written application complying with section 78(2) and (3); and

(b) if the authorised officer completed a form of warrant under subsection (2)(b), the completed form of warrant.

(5) Despite subsection (3), if—

(a) an issue arises in a proceeding about whether an exercise of a power was authorised by a warrant issued under this section; and

(b) the original warrant is not produced in evidence;

the onus of proof is on the person relying on the lawfulness of the exercise of the power to prove a warrant authorised the exercise of the power.

(6) This section does not limit section 78.

82 Defect in relation to a warrant

(1) A warrant is not invalidated by a defect in the warrant or compliance with this subdivision, unless the defect affects the substance of the warrant in a material particular.

(2) In this section—

warrant includes a duplicate warrant mentioned in section 81(3).

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Subdivision 2 Entry procedure

83 Entry procedure

(1) This section applies if an authorised officer is intending to enter a place under a warrant issued under this division.

(2) Before entering the place, the authorised officer must do or make a reasonable attempt to do the following things—

(a) identify themself to a person who is an occupier of the place and is present by producing the authorised officer's identity card or another document evidencing the authorised officer's appointment;

(b) give the person a copy of the warrant;

(c) tell the person the authorised officer is permitted by the warrant to enter the place;

(d) give the person an opportunity to allow the authorised officer immediate entry to the place without using force.

(3) However, the authorised officer need not comply with subsection (2) if the authorised officer reasonably believes that entry to the place without compliance is required to ensure the execution of the warrant is not frustrated.

(4) In this section—

warrant includes a duplicate warrant mentioned in section 81(3).

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Part 3 Other authorised officers' powers and related matters

Division 1 General powers of authorised officers after entering places

84 Application of division

(1) The powers under this division may be exercised if an authorised officer enters a place under section 73(1)(a), (c) or (d).

(2) However, if the authorised officer enters a place under section 73(1)(a) or (c), the powers under this division are subject to any conditions of the consent or terms of the warrant.

85 General powers

(1) The authorised officer may do any of the following—

(a) search any part of the place;

(b) inspect, examine or film any part of the place or anything at the place;

(c) take for examination a thing, or a sample of or from a thing, at the place;

(d) place an identifying mark in or on anything at the place;

(e) take an extract from, or copy, a document at the place, or take the document to another place to copy;

(f) produce an image or writing from an electronic document at the place or, to the extent that is not practicable, take either or both of the following to another place to produce an image or writing from an electronic document—

(i) a thing containing an electronic document;

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(ii) a thing that can be used to produce an image or writing from an electronic document;

(g) take to, into or onto the place and use any person, equipment and materials the authorised officer requires for exercising the authorised officer's powers under this chapter;

(h) remain at the place for the time necessary to achieve the purpose of the entry.

(2) The authorised officer may do anything necessary to exercise a power under subsection (1).

(3) If the authorised officer takes a document from the place to copy it, the authorised officer must copy the document and return it to the place as soon as practicable.

(4) If the authorised officer takes a thing from the place to produce an image or writing from an electronic document, the authorised officer must produce the image or writing from the document and return the thing to the place as soon as practicable.

(5) In this section—

examine includes analyse, test, account for, measure, weigh, grade, gauge and identify.

film includes photograph, videotape and record an image in another way.

inspect, a thing, includes open the thing and examine its contents.

86 Power to require reasonable help

(1) The authorised officer may require an occupier of the place or a person at the place to give the authorised officer reasonable help to exercise a power under section 85(1), including, for example, to produce a document or to give information.

(2) When making a requirement under subsection (1), the authorised officer must give the person an offence warning for the requirement.

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87 Offence to contravene help requirement

(1) A person of whom a requirement is made under section 86(1) must comply with the requirement unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

(2) It is not a reasonable excuse for a person to fail to comply with the requirement on the basis that complying might tend to incriminate the person or expose the person to a penalty.

Note—

See, however, section 97.

(3) The authorised officer must inform the person, in a way that is reasonable in the circumstances, that—

(a) the person must comply with the requirement even though complying might tend to incriminate the person or expose the person to a penalty; and

(b) if the person is an individual—under section 97, there is a limited immunity against the future use of the information given in compliance with the requirement.

(4) If the person is an individual and the individual fails to comply with the requirement when the authorised officer has failed to comply with subsection (3), the individual may not be convicted of the offence against subsection (1).

Division 2 Other information-obtaining powers of authorised officers

88 Information protected by legal professional privilege

Nothing in this chapter requires an entity to disclose information that is protected by legal professional privilege.

89 Power to require personal details

(1) This section applies if an authorised officer—

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(a) finds a person committing an offence against this Act; or

(b) finds a person in circumstances that lead the authorised officer to reasonably suspect the person has just committed an offence against this Act; or

(c) has information that leads the authorised officer to reasonably suspect a person has just committed an offence against this Act.

(2) The authorised officer may require the person to state the person's name and residential address.

(3) The authorised officer may also require the person to give evidence of the correctness of the stated name or address if, in the circumstances, it would be reasonable to expect the person to—

(a) be in possession of evidence of the correctness of the stated name or address; or

(b) otherwise be able to give the evidence.

(4) When making a requirement under this section, the authorised officer must give the person an offence warning for the requirement.

90 Offence to contravene personal details requirement

(1) A person of whom a requirement is made under section 89 must comply with the requirement unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

(2) A person may not be convicted of an offence against subsection (1) unless the person is found guilty of the offence in relation to which the requirement under section 89 was made.

91 Power to require information or attendance

(1) This section applies if an authorised officer reasonably believes—

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(a) an offence against this Act has been committed; and

(b) a person may be able to give information about the offence.

(2) Also, this section applies if an authorised officer reasonably believes a relevant person may be able to give the following information—

(a) information about whether a child safe entity has implemented and is complying with the child safe standards and universal principle under section 11;

(b) information about whether a reporting entity has systems in place as required under section 30;

(c) further information mentioned in section 38 about the head of an entity's final report;

(d) information mentioned in section 41(2)(d) in relation to the monitoring of an investigation by the commission;

(e) information mentioned in section 42(4) in relation to an investigation by a sector regulator;

(f) information relevant to an investigation conducted on the commissioner's own initiative under section 43.

(3) The authorised officer may, by written notice given to the person, require the person to—

(a) give the authorised officer within a stated reasonable period of at least 14 days—

(i) the information mentioned in subsection (1) or (2); or

(ii) if the information is kept, stored or recorded electronically—a clear written reproduction of the information; or

(b) attend before the authorised officer at a stated reasonable time and place to answer questions, or produce documents related to the offence or matter.

(4) In this section—

relevant person means—

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(a) for a matter mentioned in subsection (2)(a)—

(i) a child safe entity; or

(ii) the head, or a worker, of a child safe entity; or

(iii) a sector regulator for a child safe entity; or

(b) for a matter mentioned in subsection (2)(b)—any person who may have information about the matter, including—

(i) a reporting entity; or

(ii) the head, or a worker, of a reporting entity; or

(iii) a sector regulator for a reporting entity; or

(c) for a matter mentioned in subsection (2)(c) or (d)—the head of the reporting entity to whom the request is made; or

(d) for a matter mentioned in subsection (2)(e)—the sector regulator mentioned in section 42(4); or

(e) for a matter mentioned in subsection (2)(f)—any person.

92 Offence to contravene information or attendance requirement

(1) A person of whom a requirement is made under section 91(3)(a) must comply with the requirement unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

(2) A person of whom a requirement is made under section 91(3)(b) must not fail, without reasonable excuse, to—

(a) attend as required by the notice; and

(b) continue to attend as required by the authorised officer until excused from further attendance; and

(c) answer a question the person is required to answer by the authorised officer; and

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(d) produce a document the person is required to produce by the notice.

Maximum penalty—50 penalty units.

(3) It is not a reasonable excuse for a person to fail to comply with the requirement on the basis that complying might tend to incriminate the person or expose the person to a penalty.

Note—

See, however, section 97.

(4) The authorised officer must inform the person, in a way that is reasonable in the circumstances, that—

(a) the person must comply with the requirement even though complying might tend to incriminate the person or expose the person to a penalty; and

(b) if the person is an individual—under section 97, there is a limited immunity against the future use of the information given in compliance with the requirement.

(5) If the person is an individual and the individual fails to comply with the requirement when the authorised officer has failed to comply with subsection (4), the individual may not be convicted of the offence against subsection (1) or (2).

Part 4 Miscellaneous provisions relating to authorised officers

Division 1 Damage

93 Duty to avoid inconvenience and minimise damage

In exercising a power, an authorised officer must take all reasonable steps to cause as little inconvenience, and do as little damage, as possible.

Note—

See also section 95.

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94 Notice of damage

(1) This section applies if—

(a) an authorised officer damages something when exercising, or purporting to exercise, a power; or

(b) a person (the ***assistant***) acting under the direction or authority of an authorised officer damages something.

(2) However, this section does not apply to damage the authorised officer considers is trivial or if the authorised officer reasonably believes—

(a) there is no-one apparently in possession of the thing; or

(b) the thing has been abandoned.

(3) The authorised officer must give written notice of the damage to a person who appears to the authorised officer to be an owner, or person in control, of the thing.

(4) However, if for any reason it is not practicable to comply with subsection (3), the authorised officer must—

(a) leave the notice at the place where the damage happened; and

(b) ensure the notice is left in a conspicuous position and in a reasonably secure way.

(5) The authorised officer may delay complying with subsection (3) or (4) if the authorised officer reasonably suspects complying with the subsection may frustrate or otherwise hinder an investigation or the performance of another function of the authorised officer.

(6) The delay may be only for so long as the authorised officer continues to have the reasonable suspicion and remains in the vicinity of the place.

(7) If the authorised officer believes the damage was caused by a latent defect in the thing or other circumstances beyond the control of the authorised officer or the assistant, the authorised officer may state the belief in the notice.

(8) The notice must state—

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(a) particulars of the damage; and

(b) that the person who suffered the damage may claim compensation under section 95.

Division 2 Compensation

95 Compensation

(1) A person may claim compensation from the State if the person incurs loss because of the exercise, or purported exercise, of a power by or for an authorised officer including a loss arising from compliance with a requirement made of the person under part 3.

(2) The compensation may be claimed and ordered in a proceeding—

(a) brought in a court with jurisdiction for the recovery of the amount of compensation claimed; or

(b) for an alleged offence against this Act the investigation of which gave rise to the claim for compensation.

(3) A court may order the payment of compensation only if it is satisfied it is just to make the order in the circumstances of the particular case.

(4) In considering whether it is just to order compensation, the court must have regard to any relevant offence committed by the claimant.

(5) A regulation may prescribe other matters that may, or must, be taken into account by the court when considering whether it is just to order compensation.

(6) Section 93 does not provide for a statutory right of compensation other than as provided by this section.

(7) In this section—

loss includes costs and damage.

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Division 3 Offence to obstruct authorised officers

96 Obstructing authorised officer

(1) A person must not obstruct an authorised officer exercising a power, or someone helping an authorised officer exercising a power, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

(2) If a person has obstructed an authorised officer, or someone helping an authorised officer, and the authorised officer decides to proceed with the exercise of the power, the authorised officer must warn the person that—

(a) it is an offence to cause an obstruction unless the person has a reasonable excuse; and

(b) the authorised officer considers the person's conduct an obstruction.

(3) In this section—

obstruct includes hinder, resist, attempt to obstruct and threaten to obstruct.

Division 4 Immunity

97 Evidential immunity for individuals complying with particular requirements

(1) Subsection (2) applies if an individual gives or produces information to an authorised officer under section 86 or 91.

(2) Evidence of the information, and other evidence directly or indirectly derived from the information, is not admissible against the individual in any proceeding to the extent the evidence tends to incriminate the individual, or expose the individual to a penalty, in the proceeding.

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(3) Subsection (2) does not apply to a proceeding about the false or misleading nature of the information or in which the false or misleading nature of the information is relevant evidence.

Chapter 7 Review of decisions

98 Reviewable decisions

Each of the following is a ***reviewable decision***—

(a) a decision by the commission to give a compliance notice to a child safe entity under section 18;

(b) a decision by the commission to publish details of non-compliance by a child safe entity under section 24;

(c) a finding by the commission that a worker has engaged in reportable conduct on an investigation conducted on the commission's own initiative under section 43.

99 Application for internal review

(1) A person or entity who is given an information notice for a reviewable decision may apply to the commission for an internal review of the decision.

(2) The application must be—

(a) in the approved form; and

(b) made within 28 days after notice of the reviewable decision is given or a longer period agreed to by the commission.

(3) The application does not stay the reviewable decision.

100 Internal review

(1) Within 28 days after receiving the application for internal review, the commission must—

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(a) review the decision; and

(b) make a decision (the ***internal review decision***) to—

(i) confirm or revoke the decision; or

(ii) vary the decision; and

(c) give the applicant a written notice for the internal review decision.

(2) If the internal review decision is not the decision sought by the applicant for the review, the notice must be accompanied by a QCAT information notice for the internal review decision.

(3) The commission is taken to have confirmed the reviewable decision if, within 28 days after receiving the application for internal review, the commission—

(a) does not give the applicant a written notice for the internal review decision; and

(b) has not asked the applicant for further information about the application.

(4) If the commission asks the applicant for further information about the application and does not give the applicant a written notice for the internal review decision within 28 days after the commission receives the further information, the commission is taken to have confirmed the reviewable decision.

(5) The application must not be dealt with by—

(a) the person who made the reviewable decision; or

(b) a person in a less senior office than the person who made the reviewable decision.

(6) Subsection (5) does not apply to a reviewable decision made by the principal commissioner personally.

101 External review

A person or entity that is given a QCAT information notice for an internal review decision may apply, as provided for under the QCAT Act, for a review of the decision.

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Chapter 8 General

Part 1 Offences

102 Giving official false or misleading information

(1) A person must not give an official information that the person knows is false or misleading in a material particular.

Maximum penalty—100 penalty units.

(2) Subsection (1) applies to information whether or not the information was given in response to the exercise of a specific power under this Act.

(3) Subsection (1) does not apply to a person if the person, when giving the information in a document—

(a) tells the official, to the best of the person's ability, how the document is false or misleading; and

(b) if the person has, or can reasonably obtain, the correct information—gives the correct information.

(4) In this section—

official means—

(a) a staff member of the commission; or

(b) the principal commissioner or a commissioner; or

(c) an authorised officer.

103 Person must not conceal, destroy etc. particular documents

(1) This section applies in relation to the following (each a ***relevant document***)—

(a) a document containing information requested by an authorised officer under section 91;

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(b) a document about an individual whose affairs are the subject of an investigation of a reportable allegation or reportable conviction under chapter 3;

(c) a document containing information requested by the commission in performing a function under chapter 2 or 3.

(2) A person must not—

(a) conceal, destroy, mutilate or alter a relevant document; or

(b) send, cause to be sent or conspire with someone else to send out of the State a relevant document.

Maximum penalty—100 penalty units.

(3) It is a defence to a prosecution of an offence against subsection (2) for the defendant to prove that the defendant did not act with intent to defeat the purposes of chapter 2 or 3 or to delay or obstruct the carrying out of an investigation under chapter 3 or 6.

Part 2 Reporting

104 Reports

(1) The commission may—

(a) prepare a report about a matter relevant to the performance of the commission's functions under this Act; and

(b) give the report to the Minister; and

(c) make a recommendation about whether the report should be tabled in the Legislative Assembly; and

(d) if the commission does not recommend the report be tabled—give reasons for the recommendation.

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

(a) confidential information about a person; or

(b) information that may prejudice the investigation or prosecution of an offence; or

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

(3) If the commission recommends that the report be tabled, and the Minister is satisfied that tabling the report is in the public interest, the Minister must table the report in the Legislative Assembly as soon as practicable after receiving the report.

(4) The commission must not publish a report prepared under this section unless the Minister has tabled the report.

105 Consultation before including particular information in reports

(1) The commission must not include in a report under section 104 any adverse information about an entity identifiable from the report unless the entity has been given a copy of the information and allowed a reasonable opportunity to make a submission about it.

(2) If an entity makes a submission about the information, the commission—

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

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

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

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Part 3 Proceedings

106 Evidentiary aids

A certificate purporting to be signed by a commissioner and stating any of the following matters is evidence of the matter—

(a) a stated document is 1 of the following things made or given under this Act—

(i) a decision;

(ii) a notice or requirement;

(b) a stated document is a copy of a thing mentioned in paragraph (a);

(c) on a stated day, or during a stated period, an appointment as an authorised officer was, or was not, in force for a stated person;

(d) on a stated day, a stated person was given a stated notice under this Act;

(e) on a stated day, a stated requirement was made of a person.

Part 4 Miscellaneous

107 Delegation

(1) A commissioner may delegate a function or power of the commissioner under this Act to an appropriately qualified staff member of the commission.

(2) The head of a reporting entity may delegate the functions of a head of a reporting entity under chapter 3 to an appropriately qualified person.

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108 Guidelines

(1) The commission may make guidelines, consistent with this Act, to provide guidance to entities about matters relating to the operation of the Act or the commission's functions.

(2) In particular, the commission may make guidelines about the implementation of, and compliance with, the child safe standards and universal principle.

(3) The commission must publish a guideline made under this section on its website.

109 Review of Act

(1) The Minister must review the effectiveness of this Act as soon as practicable after 1 July 2029.

(2) As soon as practicable after finishing the review, the Minister must table a report about its outcome in the Legislative Assembly.

110 Regulation-making power

The Governor in Council may make regulations under this Act.

Chapter 9 Transitional provisions

111 RMS provisions do not apply to child safe entities

(1) This section applies if—

(a) a person employs someone else in employment that is regulated employment or carries on a regulated business; and

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(b) the RMS provisions would, other than for this section, apply to the person in relation to the regulated employment or regulated business; and

(c) on or after the commencement, the person, or regulated business carried on by the person, becomes a child safe entity to which chapter 2 applies.

(2) From the day the person, or the business carried on by the person, becomes a child safe entity, the RMS provisions do not to apply to the person.

(3) In this section—

regulated business see the *Working with Children (Risk Management and Screening) Act 2000*, section 157.

regulated employment see the *Working with Children (Risk Management and Screening) Act 2000*, section 156.

RMS provisions means the *Working with Children (Risk Management and Screening) Act 2000*, chapter 7, part 3.

112 Application of ch 3 for conduct or convictions before commencement

(1) This Act does not apply in relation to conduct engaged in, or the conviction of, a worker before the commencement of this section unless, after the commencement—

(a) a person reports the matter to the head of the reporting entity under section 33(2)(a) or (4); and

(b) the worker is performing work for the reporting entity when the matter is reported.

(2) Nothing in this section prevents the head of a reporting entity from voluntarily complying with this Act in relation to conduct engaged in by a worker before the commencement of this section.

(3) To remove any doubt, it is declared that if the head of a reporting entity voluntarily complies with chapter 3 in relation to a worker's conduct, chapters 4 and 5 apply to the

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head of the entity in relation to information relating to the conduct.

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Schedule 1 Child safe entities

section 10

1 Accommodation or residential services

(1) An entity that provides any of the following accommodation or residential services is a child safe entity—

(a) housing or accommodation services, including supported accommodation services;

Examples—

- an entity that provides a housing service under the *Housing Act 2003*, section 8
- an entity that provides specialist homelessness services
- an entity that provides a child accommodation service under the *Working with Children Check Act 2000*

(b) domestic and family violence services, including, for example, emergency accommodation;

(c) camps or excursions that include overnight stays;

(d) a school boarding facility, including, for example, a student hostel or student residential college.

(2) In this section—

supported accommodation services means services involving the provision of accommodation to a person that includes additional support for the person, including, for example, case management, social support or care services.

2 Religious bodies

A religious body that provides the following services is a child safe entity—

(a) a community or support service, including, for example, a chaplaincy service or children's recreation service;

(b) activities or services of any kind, including, for example, church services or youth groups.

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3 Early childhood education and care services

Each of the following entities is a child safe entity—

(a) an approved provider under the Education and Care Services National Law (Queensland);

(b) a Queensland approved provider or stand-alone service under the *Education and Care Services Act 2013*;

(c) an entity that provides adjunct care within the meaning of the *Education and Care Services Act 2013*;

(d) an entity that provides child care in the course of a commercial service, including, for example, baby-sitting, nanny or in-home care services.

4 Child protection services

Each of the following entities is a child safe entity—

(a) a departmental care service or licensed care service under the *Child Protection Act 1999*;

(b) another entity that provides services relating to child protection or support services for parents and families relating to child protection.

Examples—

- an entity that provides protection and care needs mentioned in the *Child Protection Act 1999*, section 82(1)(f)
- an appropriate Aboriginal or Torres Strait Islander entity with a prescribed delegate under the *Child Protection Act 1999*, chapter 4, part 2A
- a provider of family support and wellbeing services

5 Services for children with disability

Each of the following entities is a child safe entity—

(a) a provider of disability services under the *Disability Services Act 2006*, section 12;

(b) an NDIS service provider under the *Disability Services Act 2006*, section 15.

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6 Education services

Each of the following entities is a child safe entity—

(a) a State educational institution under the *Education (General Provisions) Act 2006*;

(b) a non-State school under the *Education (Accreditation of Non-State Schools) Act 2017*;

(c) a not-for-profit organisation that is the holder of a student exchange approval under the *Education (Overseas Students) Act 2018*;

(d) TAFE Queensland established under the *TAFE Queensland Act 2013*;

(e) a registered training organisation under the *National Vocational Education and Training Regulator Act 2011* (Cwlth);

(f) a university established under an Act.

7 Health services

Each of the following entities is a child safe entity—

(a) a Hospital and Health Service under the *Hospital and Health Boards Act 2011*;

(b) the Queensland Ambulance Service established under the *Ambulance Service Act 1991*;

(c) a private health facility under the *Private Health Facilities Act 1999*;

(d) an entity that provides mental health services, including, for example, treatment, assessment or rehabilitation services or programs;

(e) an entity that provides alcohol or other drug-related treatment;

(f) an entity that provides counselling or support services, including, for example, a regulated business under the *Working with Children Check Act 2000* that provides health, counselling and support services mentioned in schedule 1, section 16 of that Act;

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(g) a health service provider under the Health Practitioner Regulation National Law (Queensland).

8 Justice or detention services

Each of the following entities is a child safe entity—

(a) an entity that provides programs and services mentioned in the *Youth Justice Act 1992*, section 302;

(b) an entity that provides legal or other advocacy services, including, for example, a community legal centre or a provider of court support services;

(c) an entity that provides diversionary, interventionist or rehabilitation activities, including, for example, a graffiti removal program under the *Police Powers and Responsibilities Act 2000*, section 379A or bail support services.

9 Services or activities provided primarily for children

Each of the following entities is a child safe entity—

(a) a club or association including, for example, the Scout Association of Australia, Girl Guides Association, a parents and citizens association or a sporting club;

(b) an entity that provides cultural, sporting or recreational services, including, for example, an art or performing arts program, swimming school or an entity that provides cultural activities;

(c) an entity that provides coaching, tutoring or private teaching services, including, for example, a regulated business under the *Working with Children Check Act 2000* that provides private teaching, coaching or tutoring mentioned in schedule 1, section 17 of that Act.

10 Commercial services for children

An entity that provides general services or facilities specifically for children on a commercial basis, including, for

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example, gym or play facilities, talent or beauty competitions, modelling services, photography services, entertainment services or party services is a child safe entity.

11 Transport or transport-related services

Each of the following entities is a child safe entity—

(a) an entity that provides transport or transport-related services including, for example, the provision of crossing supervisors under the Transport Operations (Road Use Management) Act 1995;

(b) an entity that provides driver training services by driver trainers accredited under the Transport Operations (Road Use Management) Act 1995.

12 Community services

An entity that provides community services for children, including, for example, a neighbourhood centre funded by the State or a youth support service is a child safe entity.

13 Government entities

Each of the following entities is a child safe entity—

(a) a public sector entity under the *Public Sector Act 2022*, section 8;

(b) the police service;

(c) a local government.

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Schedule 2 Reporting entities

section 29

1 Accommodation or residential services

(1) An entity that provides any of the following accommodation or residential services is a reporting entity—

(a) supported accommodation services for persons who are, or are at risk of becoming, homeless, or are transitioning from homelessness, that includes the provision of overnight beds;

Examples—

an entity that provides social housing, crisis accommodation or temporary supported accommodation as part of domestic and family violence services

(b) an entity that provides camps or excursions that include overnight stays for children as part of its primary functions;

(c) an entity that operates a residential facility for a boarding school;

(d) a student hostel established under the *Education (General Provisions) Act 2006*, section 15 or operated using an allowance paid under section 368(1)(e) of that Act.

(2) In this section—

supported accommodation services means services involving the provision of accommodation to a person that includes additional support for the person, including, for example, case management, social support or care services.

2 Religious bodies

A religious body that provides activities, facilities, programs or services in which adults interact with children is a reporting entity.

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3 Early childhood education and care services

Each of the following entities is a reporting entity—

(a) an approved provider under the Education and Care Services National Law (Queensland);

(b) a Queensland approved provider under the *Education and Care Services Act 2013*.

4 Child protection services

Each of the following entities is a reporting entity—

(a) a departmental care service or licensed care service under the *Child Protection Act 1999*;

(b) another entity that provides services relating to child protection or support services for parents and families relating to child protection.

Examples—

- an entity that provides protection and care needs mentioned in the *Child Protection Act 1999*, section 82(1)(f)
- an appropriate Aboriginal or Torres Strait Islander entity with a prescribed delegate under the *Child Protection Act 1999*, chapter 4, part 2A
- a provider of family support and wellbeing services

5 Services for children with disability

Each of the following entities is a reporting entity—

(a) a provider of disability services under the *Disability Services Act 2006*, section 12;

(b) a registered NDIS provider under the *National Disability Insurance Scheme Act 2013* (Cwlth).

6 Education services

Each of the following entities is a reporting entity—

(a) a State educational institution under the *Education (General Provisions) Act 2006*;

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(b) a non-State school under the *Education (Accreditation of Non-State Schools) Act 2017*;

(c) a not-for-profit organisation that is the holder of a student exchange approval under the *Education (Overseas Students) Act 2018*;

(d) TAFE Queensland established under the *TAFE Queensland Act 2013*;

(e) a registered training organisation under the *National Vocational Education and Training Regulator Act 2011* (Cwlth);

(f) a university established under an Act.

7 Health services

Each of the following entities is a reporting entity—

(a) a Hospital and Health Service under the *Hospital and Health Boards Act 2011*;

(b) the Queensland Ambulance Service established under the *Ambulance Service Act 1991*;

(c) a private health facility under the *Private Health Facilities Act 1999*;

(d) an entity that provides mental health services that includes inpatient treatment for children;

(e) an entity that provides alcohol or other drug-related treatment that includes inpatient treatment for children.

8 Justice or detention services

Each of the following entities is a reporting entity—

(a) a detention centre under the *Youth Justice Act 1992*;

(b) an entity that provides programs and services mentioned in the *Youth Justice Act 1992*, section 302.

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9 Government entities

Each of the following entities is a reporting entity—

(a) a public sector entity under the *Public Sector Act 2022*, section 8;

(b) the police service;

(c) a local government.

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Schedule 3 Dictionary

section 5

authorised officer means a person who holds office under chapter 6, part 1 as an authorised officer.

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

child safe entity see section 10.

child safe standards see section 9.

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

commissioner means a commissioner under the *Family and Child Commission Act 2014*.

compliance notice see section 18(2).

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

(b) statistical or other information that could not reasonably be expected to result in the identification of the person to whom the information relates.

enforceable undertaking see section 19(5).

final report see section 37(1).

guardian, in relation to a child, means the legal guardian of the child.

head, of an entity, see section 7.

identity card, for a provision about an authorised officer, means an identity card issued under section 68.

information includes a document.

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information notice, for a decision in relation to an entity, means a written notice stating the following information—

(a) the decision;

(b) the reasons for the decision;

(c) how the entity may apply for an internal review of the decision.

initial report see section 34(2).

interim report see section 34(3)(a).

internal review decision see section 100(1)(b).

occupier, of a place, for chapter 6, includes the following—

(a) if there is more than 1 person who apparently occupies the place—any 1 of the persons;

(b) any person at the place who is apparently acting with the authority of a person who apparently occupies the place;

(c) if no-one apparently occupies the place—any person who is an owner of the place.

of, a place, for chapter 6, includes at or on the place.

offence warning, for a requirement by an authorised officer, means a warning that, without a reasonable excuse, it is an offence for the person of whom the requirement is made not to comply with the requirement.

place includes the following—

(a) premises;

(b) vacant land;

(c) a place in Queensland waters;

(c) a place held under more than 1 title or by more than 1 owner;

(d) the land or water on or in which a building or other structure, or a group of buildings or other structures, is situated.

police service means the Queensland Police Service under *Police Service Administration Act 1990*.

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premises includes—

(a) a building or other structure; and

(b) a part of a building or other structure; and

(c) a caravan or vehicle; and

(d) a cave or tent; and

(e) premises held under more than 1 title or by more than 1 owner.

prescribed CSS entity see section 48(1).

prescribed RCS entity see section 49(1).

principal commissioner means the principal commissioner under the *Family and Child Commission Act 2014*.

QCAT information notice, for an internal review decision, means a notice complying with the QCAT Act, section 157(2).

reasonably believes, for chapter 6, means believes on grounds that are reasonable in the circumstances.

reasonably suspects, for chapter 6, means suspects on grounds that are reasonable in the circumstances.

reportable allegation see section 27.

reportable conduct see section 26.

reportable conduct scheme means the provisions in chapter 3.

reportable conviction see section 28(1).

reporting entity see section 29.

reviewable decision see section 98.

sector regulator see section 6.

universal principle see section 11(2).

worker—

(a) generally—see section 8; and

(b) for chapter 3, part 3—see section 32.

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