

Appendix 1: Legislative framework

As provided by the Queensland Family and Child Commission

Legislation	Section/s	Title	Status	Notes
<i>Criminal Code Act 1899 (Qld)</i>	ss 207A – 229BC	Offences against morality	Current	
<i>Summary Offences Act 2005 (Qld)</i>	s 9	Wilful exposure	Current	
<i>Education (General Provisions) Act 1989 (Qld)</i>	s 146A	Obligation to report sexual abuse of student under 18 years attending State school	Repealed	
	s 146B	Obligation to report sexual abuse of student under 18 years attending non-State school		
<i>Education (General Provisions) Act 2006 (Qld)</i>	ss 364 – 366A	Reporting of sexual abuse	Current	
<i>Public Health Act 2005 (Qld)</i>	s 467	Mandatory reporting	Current	
	ss 191 - 196	Notification of child abuse and neglect	Repealed	
<i>Dangerous Prisoners (Sexual Offenders) Act 2003 (Qld)</i>	ss 13 – 13A	Final orders	Current	
	ss 16 – 16A	Requirements for supervised release		
<i>Child Protection (Offender Reporting and Offender Prohibition) Act 2004 (Qld)</i>	s 5	Reportable offender defined	Current	
	s 9A	Reportable contact defined		
	s 10B	When a person poses a risk to children		
	ss 12A – 12E	Making offender reporting orders		
	s 13A	Application		
	ss 13F – 3FA	Conduct that may be		

Legislation	Section/s	Title	Status	Notes
		prohibited/Conduct that may be required		
	s 13I	Applying for a temporary order		
	ss 14 – 67F	Reporting obligations		
	Schedule 1	Prescribed offences		
	Schedule 2	Personal details for reportable offenders		
<i>Child Protection Act 1999 (Qld)</i>	s 13 E	Mandatory reporting by persons engaged in particular work	Current	
	s 13F	Mandatory reporting relating to children in care		
	ss 124 – 130	Licensing of care services		
	ss 131 - 136	Approval of foster carers and kinship carers		
	ss 137 – 141A	Amendment, suspension, cancellation and surrender of authorities		
	ss 148C – 148D	Application of Working with Children Act		
<i>Classification of Films Act 1991 (Qld)</i>	ss 41 - 43	Objectionable films	Current	
<i>Classification of Publications Act 1991 (Qld)</i>	ss 12 – 20	Offences	Current	
<i>Police Powers and Responsibilities Act 2000 (Qld)</i>	s 537 - 538	Blood and urine testing of persons suspected of committing sexual or other serious assault offences	Current	
	s 789A	Power to demand production of employment-screening document	Current	
<i>Family and Child Commission Act 2014</i>	s 4	Object of Act (safety and wellbeing of children)	Current	

Legislation	Section/s	Title	Status	Notes
<i>(Qld)</i>				
	s 9	Commission's functions	Current	
<i>Customs Act 1901 (Cth)</i>	s 233	Smuggling and unlawful importation and exportation	Current	
	s 233BAB	Special offence relating to tier 2 goods		
<i>Criminal Code Act 1995 (Cth)</i>	s 271.4	Offence of trafficking in children	Current	
	ss 272.1 – 272.31	Child sex offences outside Australia		
	ss 273.6 – 273.8	Offences committed overseas involving child abuse material		
	ss 273B.4 – 273B.5	Offences relating to the protection of children		
	ss 171.19 – 471.23	Offences relating to use of postal or similar service for child abuse material		
	ss 471.24 – 471.29A	Offences relating to use of postal or similar service involving sexual activity with person under 16		
	ss 474.22 – 474.24C	Offences relating to use of carriage service for child abuse material		
	ss 474.25A – 474.29A	Offences relating to use of carriage service involving sexual activity with, or causing harm to, person under 16		
<i>Crimes Act 1914 (Cth)</i>	s 15AAA	Bail not to be granted to various persons charged with, or convicted of, certain Commonwealth child sex offences.	Current	
<i>Family Law Act 1975 (Cth)</i>	s 10E	Admissibility of communications in	Current	

Legislation	Section/s	Title	Status	Notes
		family counselling and in referrals from family counselling		
	s 10J	Admissibility of communications in family dispute resolution and in referrals from family dispute resolution		
	s 10PA	Admissibility of communications in post-separation parting programs		
	s 10T	Definition of family safety risk screening process		
	s 10V	Admissibility of family safety risk screening information etc		
	s 11C	Admissibility of communications with family consultants and referrals from family consultants		
	ss 60B – 60D	Object and outline – ensure the best interests of children are met, including their safety		
	ss 60I – 60	Family dispute resolution		
	s 64D	Parenting orders subject to later parenting plans		
	ss 67Z – 67ZBL	Allegations of child abuse and family violence		
	s 69ZN	Principles for conducting child-related proceedings		
	s 69ZQ	General duties		
<i>Child Care Act 2002 (Qld)</i> Commencement: 1 September 2003	s 27	RA must be satisfied that the licensee is complying with working with children legislation in relation to its engagement of each	Repealed	Amd in 2004 to reflect changes in WWC leg

Legislation	Section/s	Title	Status	Notes
Repealed: 1 January 2014		carer/staff member		
	s 45(1)(e)	Contravention of obligations under working with children legislation in relation to employment of carers was grounds for suspension or revocation of licence		Amd in Aug 2004 to reflect changes in WWC leg
	S50A	Chief executive to give particular information to children's commissioner in relation to disciplinary action		Inserted in 2004 in reprint 1B.
	s 63	Outlines factors relating to the inclusion or a rest period condition which allows a reduction of staff levels during these periods.		
	s 74	Licencees required to keep evidence of compliance with working with children legislation		
	s 81	Licensee must report harm to children to RA		
	ss 97	Suitability of other persons in a home in which licensed home based care is provided including consideration of suitability notices		
	ss 100 and 139	Suitability of other persons in the home		
	s 103	Person posing an unacceptable risk of harm can be prohibited from providing care		
	s 140	RA may obtain information about suitability checks from BCS		

Legislation	Section/s	Title	Status	Notes
	Ss 165-166A	Application of the working with children legislation		s165A and s166A inserted in 2004 in reprint 1B.
	s 167-170	Duty of confidentiality, disclosure powers and reporting concerns to other departments		
<i>Child Care Regulation 2003 (Qld)</i>	s 25	Staffing requirements during a rest period – allowing a reduction in staff numbers	Repealed	
<i>Education and Care Services National Law (Queensland) Act 2011</i> Commencement: 1 January 2012	s 4	Applies the Education and Care Services National Law Education and Care Services National Law set out in the schedule to the Education and Care Services National Law Act 2010 of Victoria as law of Queensland.	Current	
	s 16	Declares the <i>Working with Children (Risk Management and Screening) Act 2000</i> to be the working with children law for the purposes of the Education and Care Services National Law (Queensland).	Current	
	ss 20 - 22	Giving to or obtaining particular information from BCS	Current	
	ss 23-26	Application of Working with Children Act	Current	
	s 27	Transitional provision relating to sharing information with BCS	Current	

Legislation	Section/s	Title	Status	Notes
		regarding disciplinary matters under the <i>Child Care Act 2002</i>		
<i>Education and Care Services National Law (Queensland)</i> Commencement: 1 January 2012	s 3-4	Objectives and guiding principles and how functions to be exercised	Current	
	s 162A	Child protection training	Current	Inserted in 2017 (commenced 1/10/17) Expanded in 2023 (commenced 1/10/17)
	s 165	Offence to inadequately supervise children	Current	
	s 167	Offence relating to protection of children from harm and hazards	Current	
	s 169	Offence relating to staffing arrangements	Current	
	s 173(2)(a)	Offence to fail to notify certain circumstances to Regulatory Authority – cancellation of BC	Current	
	s 174	Offence to fail to notify certain information to Regulatory Authority –serious incident	Current	
	s 174A	Family day care educator to notify certain information to approved provider – complaints and serious incidents	Current	
	s 175	Offence relating to requirement to keep enrolment and other documents	Current	

Legislation	Section/s	Title	Status	Notes
	ss 182-188A	Prohibition notices	Current	
	s 189	Emergency removal of children	Current	
	s 271-273	Disclosure of information	Current	
<i>Education and Care Services National Regulations (Queensland)</i>	s 12	Meaning of <i>serious incident</i>	Current	
	s 84	Awareness of child protection law	Current	
	s 85-87	Incidents, injury, trauma and illness	Current	
	s 115	Premises designed to facilitate supervision	Current	
	s 117A-C	Minimum requirements for a person in day-to-day charge	Current	Ins 2017. Commenced 1/10/17.
	ss 145-152	Staff and educator records	Current	
	ss 163 - 166	Residents at family day care residences and family day care educator assistants	Current	
	ss 168-172	Policies and procedures	Current	
	ss 173-176A	Display and reporting of prescribed information s 175(2)(d) and (e) relates to notifying allegations of physical or sexual abuse of a child while being educated and cared for	Current	Amended several times
	ss 177-178	Prescribed information	Current	Amended several times
s 299C	Educator to child ratios during rest period	Current	Ins 2017	
s 299F-I	Rest pauses and short absences	Current	Ins 2017	

Legislation	Section/s	Title	Status	Notes
				Am 2019
<i>Education and Care Services Act 2013 (Qld)</i> Commencement: 1 January 2014	s 121-127	Operational requirements including supervision, protection from harm and hazards and notification requirements	Current	
	s 133	Suitability of other persons in home where stand-alone service operates	Current	
	s 190 - 192	Monitoring suitability of relevant persons	Current	
<i>Education and Care Services Regulation 2013 (Qld)</i>	s 22	Serious incidents	Current	
	s 23	Record of incident, injury, trauma and illness	Current	
	s 34	Premises designed to facilitate supervision	Current	
	ss 61-70	Information, records and privacy	Current	
	Schedule 4	Prescribed records	Current	
<i>Commission for Children and Young People Act 2000 (Qld)</i> renamed to <i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i> Commenced: 1 January 2001 Renamed: 1 July 2014	s 20	Referral of matters or offences to other persons	Repealed	
	s 5	Object of the Act	Current	
	s 6	Principles for administering this Act	Current	
	s 15-16	Offences and disqualified persons	Current	
	s 171-172	Risk management strategies	Current	
	s 175-176B	Requirement for working with children clearance	Current	Amended as part of No Card, No Start

Legislation	Section/s	Title	Status	Notes
				reforms as of 31 August 2020
	s 176C-176G	Requirement for working with children exemption for police officers and registered teachers	Current	
	s 176H-176L	Restricted persons prohibited from restricted employment	Current	
	S 303-304F	Cancelling working with children authority	Current	
	S317	Notice of change in police information about a person	Current	
	S 357	Disqualification order	Current	
	S357A-357I	Register of regulated persons who provide home-based care services	Current	Commenced 31 August 2020
	S553-565	New serious offences and disqualifying offences	Current	
	Schedule 1	Regulated employment and businesses for employment screening	Current	Childcare only listed as regulated employment on commencement of the <i>Child Care Act 2002</i>
	Schedule 2 – 6A	Offences	Current	
<i>Child Safe Organisations Act 2024</i> See CSO Act or implementation timeline on QFCC website for dates	s 11	Child safe entities must implement and comply with child safe standards and universal principle	Not yet commenced	
	s 14	Principles for implementing and complying with child safe standards and universal principle		

Legislation	Section/s	Title	Status	Notes
	Chapter 3	Reportable Conduct Scheme		
	Chapter 4	Disclosure of information and confidentiality		
	Chapter 5	Confidentiality and protection		
	Chapter 6	Investigation and enforcement		