
c2025-177F
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LEGISLATIVE ASSEMBLY

Child Protection (Working with Children) and Other Legislation Amendment Bill 2025

First print

Proposed amendments

No. 1 **Commencement of Act**

Page 2, clause 2, line 6. Omit all words on the line. Insert instead—

This Act commences as follows—

- (a) for Schedule 1[5A] and [11], to the extent it inserts Schedule 3, clause 28—on 1 December 2025,
- (b) otherwise—on the date of assent to this Act.

No. 2 **Mutual recognition of negative notices—consequential amendment**

Page 3, Schedule 1. Insert after line 26—

[3A] Section 13A Embargo after refusal of application or cancellation of clearance

Insert after section 13A(2)—

- (2A) To avoid doubt, this section does not apply to a person to whom section 25A applies.

No. 3 **Mutual recognition of negative notices—consequential amendment**

Page 3, Schedule 1. Insert before line 27—

[3B] Section 14 Assessment requirements

Insert at the end of section 14—

- (2) However, the regulations may provide that, to the extent the assessment requirement relates to a matter specified in Schedule 1, clause 2B, a person is not subject to an assessment requirement in the circumstances prescribed in the regulations.

No. 4 **Mutual recognition of negative notices**

Page 3, Schedule 1. Insert after line 38—

[5A] Part 3 Working with children check clearances

Insert after Division 6—

Division 7 Mutual recognition negative notices

25A Mutual recognition of refusal and cancellation of other jurisdictions' working with children check clearances

- (1) This section applies to a person (a *relevant person*) if any of the following actions (each a *mutual recognition negative notice*) applies to the person—
 - (a) the person's application in another jurisdiction for that jurisdiction's equivalent to a working with children check clearance is refused,
 - (b) in another jurisdiction, that jurisdiction's equivalent to a working with children check clearance granted to the person is cancelled,
 - (c) the person is subject, in another jurisdiction, to that jurisdiction's equivalent of an interim bar.
- (2) The relevant person must, as soon as practicable after becoming aware of the mutual recognition negative notice, notify the Children's Guardian that the relevant person is subject to the notice.
- (3) In this jurisdiction—
 - (a) the relevant person must not be granted a working with children check clearance, or
 - (b) if there is a current application by the relevant person to the Children's Guardian for a working with children check clearance—the application is taken to be terminated at the time the mutual recognition negative notice occurs, or
 - (c) if the relevant person has been granted a working with children check clearance—the relevant person's working with children check clearance is taken to be cancelled at the time the mutual recognition negative notice occurs.
- (4) To avoid doubt, the relevant person cannot apply for an internal review or disqualification reassessment in relation to—
 - (a) the ineligibility under subsection (3)(a) to be granted a working with children check clearance, or
 - (b) the termination under subsection (3)(b) of the relevant person's application for a working with children check clearance, or
 - (c) the cancellation under subsection (3)(c) of the relevant person's working with children check clearance.
- (5) A relevant person is not entitled to make a further application for a working with children check clearance—
 - (a) until the person is no longer subject to a mutual recognition negative notice, or
 - (b) unless circumstances prescribed by the regulations apply to the person.
- (6) For subsection (5)(b), the regulations may provide for matters relating to—
 - (a) the circumstances in which relevant persons may apply for working with children check clearances, and
 - (b) the process for, or conditions applying to, relevant persons applying for working with children check clearances.

No. 5 Extension of time for application for internal review

Page 6, Schedule 1[6], proposed section 29. Insert after line 36—

- (1A) Despite subsection (1)(c)(i), the Children's Guardian may, at the request of an affected person for a reviewable decision, extend the period of time during which an application for internal review of the reviewable decision may be made.

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- No. 6 **Extension of time for application for disqualification reassessment**
Page 8, Schedule 1[6], proposed section 30C. Insert after line 27—
 (1A) Despite subsection (1)(c), the Children’s Guardian may, at the request of the applicant, extend the period of time during which an application for a disqualification reassessment may be made in relation to the applicant.
- No. 7 **Reasonable person**
Page 9, Schedule 1[6], proposed 30E(6)(a), line 26. Omit “applicant’s”. Insert instead “person’s”.
- No. 8 **Regulations**
Page 9, Schedule 1[6], proposed 30E, line 32. Omit “(6)”. Insert instead “(7)”.
- No. 9 **Assessment requirement triggers**
Page 10, Schedule 1. Insert after line 12—
 [10A] Schedule 1 Assessment requirement triggers
 Omit “has been issued with a negative notice” from Schedule 1, clause 2B.
 Insert instead “was issued with a negative notice that is no longer in effect”.
- No. 10 **Extension of time for application for internal review or disqualification assessment—transitional provision**
Page 10, Schedule 1[11]. Insert after line 35—
 (3A) Despite subsection (3)(b)(i) or (ii), the Children’s Guardian may, at the request of the person who made the application, extend the period of time during which an application for internal review of the decision or a disqualification reassessment may be made.
- No. 11 **Transitional provision**
Page 10, Schedule 1[11], line 14. Omit “, with appropriate part and clause numbering”.
- No. 12 **Transitional provision**
Page 10, Schedule 1[11], line 15. Omit “**Part**”. Insert instead “**Part 6**”.
- No. 13 **Transitional provision**
Page 10, Schedule 1[11], line 15. Omit “**Provision**”. Insert instead “**Provisions**”.
- No. 14 **Transitional provision**
Page 10, Schedule 1[11], line 18. Insert “**27**” before “**Applications**”.
- No. 15 **Transitional provision**
Page 11, Schedule 1[11]. Insert after line 8—
 28 Mutual recognition negative notices
 (1) This clause applies to a person if, before the commencement date, the person was—
 (a) subject to a negative notice referred to in Schedule 1, clause 2B as in force before the commencement date, and
 (b) granted a working with children clearance check after an assessment under Part 3, Division 3 as in force before the commencement date.
 (2) Section 25A(2) and (3), as inserted by the amendment Act, do not apply to the person in relation to the negative notice until the working with children clearance check expires.
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(3) In this section—

amendment Act means the *Child Protection (Working with Children) and Other Legislation Amendment Act 2025*.

commencement date means the commencement of this clause.

No. 16 **Extension of time for application for internal review**

Page 16, Schedule 4[1], proposed section 43. Insert after line 40—

- (1A) Despite subsection (1)(c)(i), the Screening Agency may, at the request of an affected person for a reviewable decision, extend the period of time during which an application for internal review of the reviewable decision may be made.