

LEGISLATIVE COUNCIL

WORKER SCREENING AMENDMENT (STRENGTHENING THE WORKING WITH CHILDREN CHECK) BILL 2025(Amendments and New Clauses to be proposed in Committee by GEORGIE CROZIER)

1. Clause 1, page 2, line 20, omit "information." and insert "information; and".
2. Clause 1, page 2, after line 20 insert—
"(f) to make other amendments relating to the screening of persons who work with or care for children.".

NEW CLAUSES

3. Insert the following New Clause to follow clause 3—

'3A How to apply for a WWC check

- (1) After section 54(1)(g) of the **Worker Screening Act 2020** insert—
"(ga) if the child-related work in which the applicant is engaged or intends to engage is for profit or gain, be accompanied by evidence that the applicant has completed, within the previous 12 months, training about—
(i) the Child Safe Standards under the **Child Wellbeing and Safety Act 2005**; and
(ii) the mandatory reporting requirements under the **Children, Youth and Families Act 2005**; and".
- (2) In section 54(2) of the **Worker Screening Act 2020**—
(a) before paragraph (a) **insert**—
"(aa) complete, in the form or manner determined by the Secretary, training about child sexual abuse and other forms of child abuse; and";
(b) for paragraph (b) **substitute**—
"(b) consent to enquiries being made about the applicant to any of the following in connection with the consideration of the application and, if a WWC clearance is given, from time to time while that clearance remains in force—
(i) the ACC;
(ii) any disciplinary or regulatory entity;

- (iii) any person or source that the Secretary thinks fit; and".!.

NEW CLAUSES

4. Insert the following New Clauses to follow clause 5—

'5A Determination of WWC category B application

After section 63(1)(i) of the **Worker Screening Act 2020** insert—

- "(ia) any relevant information obtained from any other person or source in relation to the application; and".

5B Determination of WWC category C application

After section 65(2)(i) of the **Worker Screening Act 2020** insert—

- "(ia) any relevant information obtained from any other person or source in relation to the application; and".

5C New section 65A inserted

After section 65 of the **Worker Screening Act 2020** insert—

"65A Determination of application for a WWC check—general discretion to refuse

- (1) Despite anything to the contrary in this Division, the Secretary may refuse to give a WWC clearance on an application for a WWC check if, having regard to the factors set out in subsection (2), the Secretary is satisfied that giving the WWC clearance would pose an unjustifiable risk to the safety of children.
- (2) For the purposes of subsection (1), the Secretary must have regard to—
 - (a) the likelihood of future threat to a child caused by the applicant; and
 - (b) any information given by the applicant in, or in relation to, the application; and
 - (c) any relevant information obtained from any other person or source in relation to the application; and
 - (d) any other matter that the Secretary considers relevant to the application.".!

5D Secretary to notify applicant for WWC check of intention to exclude

- (1) In section 66(1) of the **Worker Screening Act 2020**, for "or 65 **substitute**", 65 or 65A to a person who does not already hold a WWC clearance".
- (2) In section 66(2)(b) of the **Worker Screening Act 2020**, for "a WWC category B application or a WWC category C application" **substitute** "any other application for a WWC check".

5E Secretary must give WWC exclusion to applicant who fails to make submission within timeframe

In section 67 of the **Worker Screening Act 2020**—

- (a) after "WWC check" **insert** "to whom a notice is given under section 66(1)";
- (b) in paragraph (a), for "a notice" **substitute** "the notice".

5F Outcome of application for WWC check

In section 68(2) of the **Worker Screening Act 2020**, for "or 65" **substitute** ", 65 or 65A".

5G Duration of a WWC clearance

- (1) In section 71 of the **Worker Screening Act 2020**, for "5 years" **substitute** "the period determined under subsection (2)".
- (2) At the end of section 71 of the **Worker Screening Act 2020** **insert**—
 - "(2) The period for the purposes of subsection (1) is—
 - (a) for a WWC clearance, the application for which specifies that the child-related work that the applicant engages in or intends to engage in is for profit or gain—3 years; or
 - (b) for any other WWC clearance—5 years.".

5H Re-assessment of eligibility to hold WWC clearance

- (1) Before section 78(1) of the **Worker Screening Act 2020** **insert**—
 - "(1AA) The Secretary may re-assess a person's eligibility to hold a WWC clearance if for any reason the Secretary considers that it is appropriate to do so.".
- (2) For section 78(3) of the **Worker Screening Act 2020** **substitute**—
 - "(3) For the purposes of Part 6.2 or 6.3, a person to whom an interim WWC exclusion has been given under section 88(1)(b) must be regarded as not holding a current WWC clearance for the period in which the interim WWC exclusion is in force.".

5I Suspension powers on re-assessment of WWC clearance

- (1) Before section 79(1) of the **Worker Screening Act 2020** **insert**—
 - "(1AA) The Secretary may suspend a person's WWC clearance pending the carrying out and completion of a re-assessment of that person's eligibility to hold a WWC clearance if the Secretary reasonably suspects that the person would pose an unjustifiable risk to the safety of children.".
- (2) In section 79(1) of the **Worker Screening Act 2020**, for "Despite section 78(3) and subject" **substitute** "Subject"!.

NEW CLAUSES

5. Insert the following New Clauses to follow clause 7—

'7A Determination of WWC category B re-assessment

After section 85(1)(i) of the **Worker Screening Act 2020** insert—

"(ia) any relevant information obtained from any other person or source in relation to the re-assessment; and".

7B Determination of WWC category C re-assessment

After section 87(2)(i) of the **Worker Screening Act 2020** insert—

"(ia) any relevant information obtained from any other person or source in relation to the re-assessment; and".

7C New section 87AA inserted

After section 87 of the **Worker Screening Act 2020** insert—

"87AA Determination of re-assessment—general discretion to revoke

- (1) Despite anything to the contrary in this Division, the Secretary may revoke a WWC clearance on a re-assessment of the person's eligibility to hold a WWC clearance if, having regard to the factors set out in subsection (2), the Secretary is satisfied that the person holding the WWC clearance would pose an unjustifiable risk to the safety of children.
- (2) For the purposes of subsection (1), the Secretary must have regard to—
 - (a) the likelihood of future threat to a child caused by the holder; and
 - (b) any information given by the holder in, or in relation to, the re-assessment; and
 - (c) any relevant information obtained from any other person or source in relation to the re-assessment; and
 - (d) any other matter that the Secretary considers relevant to the re-assessment.".

6. Clause 8, line 21, omit "Despite section 78(3), the" and insert "The".

NEW CLAUSES

7. Insert the following New Clauses to follow clause 8—

'8A Submission sought from holder before determining to revoke WWC clearance

(1) In section 88(1) of the **Worker Screening Act 2020**, for "or 87 substitute ", 87 or 87AA".

(2) In section 88(2)(b) of the **Worker Screening Act 2020**, for "a WWC category B re-assessment or a WWC category C re-assessment" **substitute** "any other re-assessment of a person's eligibility to hold a WWC clearance".

8B Revocation of WWC clearance on failure to provide information during re-assessment

In section 89(1) of the **Worker Screening Act 2020**, for "Despite section 78(3), if" **substitute** "If".

8C Revocation of WWC clearance after completing re-assessment and surrender of document

In section 91(1) of the **Worker Screening Act 2020**, for "or 87" **substitute** ", 87 or 87AA"!.

8. Clause 10, after line 29 insert—

'(1A) In section 105(1) of the **Worker Screening Act 2020**—

(a) for paragraph (b) **substitute**—

"(b) a decision to give a WWC exclusion on an application for a WWC check (other than a WWC category A application);";

(b) for paragraph (d) **substitute**—

"(d) a decision under section 85, 87 or 87AA to revoke a WWC clearance following a re-assessment."!.

NEW CLAUSE

9. Insert the following New Clause to follow clause 11—

'11A New section 108A inserted

After section 108 of the **Worker Screening Act 2020** insert—

"108A Jurisdiction of VCAT—discretionary refusal or revocation by the Secretary

(1) In a review of any of the following decisions, VCAT must determine whether in the particular circumstances it would be appropriate to refuse to give a WWC clearance, having regard to any matters to which the Secretary must have regard under section 65A(2)—

(a) a decision to give a WWC exclusion on an application for a WWC check that is refused under section 65A;

(b) a decision under section 87AA to revoke a WWC clearance following a re-assessment.

(2) VCAT must determine that it is appropriate to refuse to give a WWC clearance unless VCAT is satisfied that giving the

WWC clearance would not pose an unjustifiable risk to the safety of children.

(3) Even if VCAT does not determine under subsection (1) or (2) that it would be appropriate to refuse to give a WWC clearance, VCAT must determine that it is appropriate to refuse to give the clearance unless it is satisfied that it is in the public interest to give the clearance."!.

NEW CLAUSE

10. Insert the following New Clause to follow clause 16—

'16A New section 130A inserted

Before section 131 of the **Worker Screening Act 2020** insert—

"130A Secretary to provide Chief Commissioner of Police with information for Law Enforcement Assistance Program

The Secretary must provide the Chief Commissioner of Police with the following information about each person who holds a WWC clearance or who has made an application for a WWC check for the purpose of the information being included in the electronic document and records management system known as the Law Enforcement Assistance Program—

- (a) the full name of the person and any other names by which the person is or has been known;
- (b) the date and place of birth of the person;
- (c) the gender of the person;
- (d) the residential address and telephone number of the person."!.