

Serial 49
Care and Protection of Children Amendment (Worker Screening) Bill 2025
Ms Cahill

A Bill for an Act to amend the *Care and Protection of Children Act 2007*

NORTHERN TERRITORY OF AUSTRALIA

**CARE AND PROTECTION OF CHILDREN AMENDMENT (WORKER
SCREENING) ACT 2025**

Act No. [] of 2025

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2025

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An Act to amend the *Care and Protection of Children Act 2007*

[Assented to [] 2025]
[Introduced [] 2025]

The Legislative Assembly of the Northern Territory enacts as follows:

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1 Short title

This Act may be cited as the *Care and Protection of Children Amendment (Worker Screening) Act 2025*.

2 Commencement

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- (1) Subject to subsection (2), this Act commences on the day fixed by the Administrator by *Gazette* notice.
- (2) If a provision of this Act does not commence before 22 November 2027, it commences on that day.

3 Act amended

This Act amends the *Care and Protection of Children Act 2007*.

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4 Section 13 amended (Definitions)

Section 13

insert

corresponding law, for Chapter 3, Part 3.1, see section 184A.

25

interstate screening authority, for Chapter 3, Part 3.1, see section 184A.

mutual recognition negative notice, for Chapter 3, Part 3.1, see section 184A.

5 Chapter 3, Part 3.1, Division 1 heading inserted

Before section 184

5 *insert*

Division 1 Preliminary matters

6 Section 184A inserted

After section 184

insert

10 **184A Definitions**

In this Part:

corresponding law means a law of another jurisdiction that substantially corresponds to the provisions in this Part.

15 *interstate screening authority* means a person or a body that is authorised under a corresponding law to conduct screening of persons for child-related employment.

mutual recognition negative notice means a notice of the making of any of the following decisions, issued to a person under a corresponding law:

- 20 (a) a decision to refuse or terminate the person's application under the corresponding law for the jurisdiction's equivalent to a clearance notice;
- (b) a decision to revoke or cancel the jurisdiction's equivalent to a clearance notice held by the person;
- 25 (c) a decision that prohibits the person from engaging in child-related employment;
- (d) a decision that temporarily bars or suspends the person from being authorised to engage in any child-related employment.

7 Chapter 3, Part 3.1, Division 2 heading inserted

After section 186

insert

Division 2 Clearance notices

8 Section 190 repealed (Provision of information)

Section 190

repeal

9 Chapter 3, Part 3.1, Divisions 3 and 4 inserted

After section 194

insert

Division 3 Mutual recognition negative notices

194A Requirement to inform Authority

(1) Subsection (2) applies to a person who:

(a) either:

(i) has made an application for a clearance notice and the application has not yet been decided by the Authority; or

(ii) holds a clearance notice; and

(b) becomes subject to a mutual recognition negative notice.

(2) The person must, as soon as practicable after receiving the mutual recognition negative notice, inform the Authority that the person is subject to the notice.

194B Effect of mutual recognition negative notice

(1) If a person is subject to a mutual recognition negative notice:

(a) the person must not be issued a clearance notice; or

(b) if the person has made an application for a clearance notice and the application has not yet been decided by the Authority – the person's application is taken to have been terminated at the time the mutual recognition negative notice is issued; or

-
- (c) if the person holds a clearance notice – the person's clearance notice is taken to have been cancelled at the time the mutual recognition negative notice is issued.
- 5 (2) To avoid doubt, a person who is subject to a mutual recognition negative notice cannot apply for a review under section 194 in relation to:
- (a) the ineligibility under subsection (1)(a) to be issued a clearance notice; or
- 10 (b) the termination under subsection (1)(b) of the person's application for a clearance notice; or
- (c) the cancellation under subsection (1)(c) of the person's clearance notice.
- (3) A person whose application for a clearance notice is terminated under subsection (1)(b) or whose clearance notice is cancelled under subsection (1)(c) is not entitled to make a further application for a clearance notice:
- 15 (a) until the person is no longer subject to a mutual recognition negative notice; or
- (b) unless circumstances prescribed by regulations apply to the person.
- 20 (4) For subsection (3)(b), the regulations may prescribe the following:
- (a) the circumstances in which a person may make a further application for a clearance notice despite being subject to a mutual recognition negative notice;
- 25 (b) the process for, or conditions that apply to, a person applying for a clearance notice while the person is subject to a mutual recognition negative notice.

Division 4 Information sharing and gathering

194C Interaction with other laws

- 30 (1) Subject to subsection (3), this Division has effect despite the operation of any provisions of the *Information Act 2002* or any other law of the Territory that:
- (a) contain a power or obligation to give information; or
- (b) prohibit or restrict the disclosure of information.

(2) This Division does not limit any power or obligation under another Act to give information.

(3) This Division has effect subject to:

(a) the *Expungement of Historical Homosexual Offence Records Act 2018*; and

(b) Part XI, Division 18, of the Criminal Code.

(4) Disclosure of information under this Division does not waive, or otherwise affect, a privilege a person may claim in relation to the information under any other law of the Territory.

194D Provision of information

(1) The Commissioner of Police, CEO or any other person may give the Authority the following information held by them about a person who has applied for a clearance notice or holds a clearance notice if the Commissioner, CEO or other person considers the information is relevant to the exercise of a power or the performance of a function of the Authority under this Act:

(a) the person's engagement with the Department under this Act;

(b) any order imposed on the person by a court under this Act, the *Domestic and Family Violence Act 2007* or the *Personal Violence Restraining Orders Act 2016*;

(c) the person's criminal history.

(2) The Authority may:

(a) collect and maintain the information mentioned in subsection (1); and

(b) use the information for the following purposes:

(i) determining an application for a clearance notice under section 188;

(ii) determining whether to revoke a clearance notice issued to a person under section 192(2);

(iii) determining whether to specify conditions for a clearance notice issued to a person under section 193.

194E Authority may request information from persons or bodies

(1) The Authority may, by written notice, request the following information from any person or body that the Authority considers may possess it:

5 (a) information that the Authority considers to be relevant to determining a person's application for a clearance notice under section 188;

10 (b) information that the Authority considers to be relevant to determining whether to revoke a clearance notice issued to a person under section 192(2);

(c) information that the Authority considers to be relevant to determining whether to specify conditions for a clearance notice issued to a person under section 193.

(2) The Authority's request may include the following information:

15 (a) the person's name and any other name the Authority believes the person may use or has used;

(b) the person's date and place of birth;

(c) any other identifying information the Authority considers to be relevant in the circumstances.

20 (3) A person or body in the Territory to which a request is made is authorised to disclose the requested information to the Authority.

(4) The Authority may:

(a) collect and maintain the information mentioned in subsection (1); and

25 (b) use the information for the following purposes:

(i) determining an application for a clearance notice under section 188;

(ii) determining whether to revoke a clearance notice issued to a person under section 192(2);

30 (iii) determining whether to specify conditions for a clearance notice issued to a person under section 193.

194F Authority may disclose certain information to employers and regulatory bodies

- 5 (1) The Authority may disclose information about a person who has applied for, holds or has held a clearance notice to the following persons or bodies:
- (a) an employer or organisation who engages, or is proposing to engage, the person in child-related employment;
 - 10 (b) if the person is subject to a regulatory or professional body that regulates a profession connected with child-related work – the regulatory or professional body.
- (2) The Authority's disclosure may include the following information:
- (a) the person's name and any other name the Authority believes the person may use or has used;
 - 15 (b) whether an application for a clearance notice has been made by the person;
 - (c) whether the person holds or does not hold a clearance notice that is in force.

194G Exchange of information with interstate screening authority

- 20 (1) The Authority may disclose to an interstate screening authority information acquired under this Act that:
- (a) relates to:
 - (i) a person's criminal record; or
 - (ii) an application for a clearance notice made by a person; or
 - 25 (iii) a decision not to issue a clearance notice to a person; or
 - (iv) a decision to revoke a clearance notice issued to a person; or
 - (v) a decision to specify conditions for a clearance notice issued to a person; or
 - 30 (b) may otherwise be relevant to the exercise of a power or the performance of a function of the interstate screening authority that substantially corresponds to a power or function of the Authority under this Act.

(2) The Authority may request an interstate screening authority to disclose to the Authority information acquired by the interstate screening authority that:

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(a) corresponds to the information mentioned in subsection (1) and relates to a candidate named in an application for a clearance notice, or a person who has been issued with a clearance notice, under this Act; or

(b) may otherwise be relevant to the exercise of a power or the performance of a function of the Authority under this Act.

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194H Disclosure of information to Australian Crime Commission

(1) The Authority must disclose the following information to the ACC for inclusion in a national register or database established for the purposes of recording information relevant to screening for child-related employment under the *Australian Crime Commission Act 2002* (Cth):

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(a) that an application for a clearance notice for a person has been refused;

(b) that a person's clearance notice has been revoked;

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(c) that a condition has been specified for a person's clearance notice;

(d) in connection with the disclosure of information under paragraph (a), (b) or (c):

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(i) the name and any other name the Authority believes the person may use or has used, address and date and place of birth of the person to whom the information relates; and

(ii) any other identifying information the Authority considers to be relevant in the circumstances.

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(2) If the Authority discloses information to the ACC under subsection (1) and the information is no longer up to date or found to be incorrect or inaccurate, the Authority may disclose new or revised information to the ACC.

(3) In this section:

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ACC means the Australian Crime Commission established under section 7 of the *Australian Crime Commission Act 2002* (Cth).

194J Protection from liability or breach

A person or body acting in good faith in disclosing information under this Division is not civilly or criminally liable, or in breach of any professional code of conduct, for disclosing the information.

5 **10 Chapter 3, Part 3.1, Division 5 heading inserted**

After section 195

insert

Division 5 Miscellaneous matters

11 Section 197 amended (Regulations)

10 After section 197(c)

insert

(ca) any matters relating to a mutual recognition negative notice;

12 Chapter 5, Part 5.6, Division 6 inserted

After section 343

15 *insert*

Division 6 Transitional matters for Care and Protection of Children Amendment (Worker Screening) Act 2025

344 Definitions

In this Division:

20 ***amending Act*** means the *Care and Protection of Children Amendment (Worker Screening) Act 2025*.

commencement means the commencement of section 2 of the amending Act.

25 **345 Mutual recognition negative notices issued before commencement**

(1) Subsection (2) applies to a person who, before the commencement, had made an application for a clearance notice if, immediately before the commencement:

(a) the application had not been decided by the Authority; and

(b) the person was subject to a mutual recognition negative notice.

(2) On the commencement:

(a) the person's application is taken to be terminated; and

5 (b) section 194B(2) and (3) applies in relation to the termination as if the person's application had been terminated under section 194B(1)(b).

(3) Subsection (4) applies to a person if, immediately before the commencement, the person:

10 (a) held a clearance notice; and

(b) was subject to a mutual recognition negative notice.

(4) For the purposes of sections 194A and 194B and in relation to the clearance notice mentioned in subsection (3)(a), the person is taken not to be subject to the mutual recognition negative notice mentioned in subsection (3)(b).

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13 Repeal of Act

This Act is repealed on the day after it commences.