



New South Wales

Child Protection (Working with Children) Amendment (Miscellaneous) Regulation 2018

under the

Child Protection (Working with Children) Act 2012

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Child Protection (Working with Children) Act 2012*.

PRU GOWARD, MP

Minister for Family and Community Services

Explanatory note

The object of this Regulation is to amend the *Child Protection (Working with Children) Act 2012* to insert additional assessment requirement triggers and disqualifying offences for working with children check clearances.

The amendments implement recommendations from the final report of the Royal Commission into Institutional Responses to Child Sexual Abuse and the 2017 statutory review report of the *Child Protection (Working with Children) Act 2012*.

The amendments also limit disqualified persons convicted of historical carnal knowledge offences, for the purposes of a working with children check, to where the victim is under 13 years of age or the offender received a sentence of full time custody for the offence.

This Regulation is made under the *Child Protection (Working with Children) Act 2012*, including section 52 (the general regulation-making power).

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Child Protection (Working with Children) Act 2012

1 Name of Regulation

This Regulation is the *Child Protection (Working with Children) Amendment (Miscellaneous) Regulation 2018*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Child Protection (Working with Children) Act 2012 No 51

[1] Schedule 1 Assessment requirement triggers

Omit “wounding of or causing bodily harm to” from clause 1 (2) (a).

Insert instead “wounding of, or causing bodily harm to,”.

[2] Schedule 1, clause 1 (2) (d)

Omit the paragraph.

[3] Schedule 1, clause 1 (2) (e1)

Insert after clause 1 (2) (e):

- (e1) an offence under section 66, 71, 72, 73 (before its substitution by the *Crimes Amendment (Sexual Offences) Act 2003*) or 74 of the *Crimes Act 1900* (other than an offence specified in clause 1 (1) (g1) of Schedule 2),

[4] Schedule 1, clause 1 (4) and (4A)

Omit clause 1 (4) and (4A). Insert instead:

- (4) A person has been convicted of any of the following offences:
 - (a) an offence involving intentional wounding, or causing bodily harm, being an offence committed against a child while the person was a child,
 - (b) an offence under section 39 or 41 of the *Crimes Act 1900*, being an offence committed against a child while the person was an adult,
 - (c) an offence under section 61 of the *Crimes Act 1900*, being an offence committed against a child,
 - (d) an offence under section 91P, 91Q or 91R (1) or (2) of the *Crimes Act 1900*, being an offence committed against a child while the person was an adult,
 - (e) an offence under section 195 (1) (b), 195 (1A) (b), 195 (2) (b), 196 (1) (b), 196 (2) (b), 197 (1) (b), 197 (2) (b) or 203E of the *Crimes Act 1900*.

[5] Schedule 1, clause 1 (5)

Omit “(3), (4) and (4A)”. Insert instead “(3) and (4)”.

[6] Schedule 2 Disqualifying offences

Omit “wounding or causing grievous bodily harm to” from clause 1 (1) (c).

Insert instead “wounding of, or intentional causing of grievous bodily harm to,”.

[7] Schedule 2, clause 1 (1) (g)

Omit “or 66”.

[8] Schedule 2, clause 1 (1) (g1)

Insert after clause 1 (1) (g):

- (g1) an offence under section 66, 71, 72, 73 (before its substitution by the *Crimes Amendment (Sexual Offences) Act 2003*) or 74 of the *Crimes Act 1900*, where the person against whom the offence is committed is a child under the age of 13 years or where the person found guilty of the offence received a sentence of full time custody for the offence,

[9] Schedule 2, clause 1 (1) (i)

Omit “71, 72, 73 (before its substitution by the *Crimes Amendment (Sexual Offences) Act 2003*), 74 or 76”.

Insert instead “76 or 76A”.

[10] Schedule 2, clause 1 (1) (o1)

Insert after clause 1 (1) (o):

(o1) an offence under section 45 or 45A of the *Crimes Act 1900* where the person against whom the offence is committed is a child,

[11] Schedule 2, clause 1 (1) (y)

Omit “91H.”.