



New South Wales

Child Protection (Working with Children) Amendment (Proof of Identity Requirements) Regulation 2019

under the

Child Protection (Working with Children) Act 2012

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

GARETH WARD, MP
Minister for Families, Communities and Disability Services

Explanatory note

The object of this Regulation is to amend the existing proof of identity requirements for obtaining a working with children check clearance to align the requirements with those required by the Australian Criminal Intelligence Commission, enabling the Office of the Children's Guardian to continue using the Commission's services for the purpose of processing applications for clearances.

This Regulation is made under the *Child Protection (Working with Children) Act 2012*, including sections 9AA(8) (definition of *relevant licence*), 13 and 52 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Child Protection (Working with Children) Amendment (Proof of Identity Requirements) Regulation 2019*.

2 Commencement

This Regulation commences on 1 December 2019 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Child Protection (Working with Children) Regulation 2013

[1] Clause 16E

Insert after clause 16D—

16E Declaration of relevant licence

For the purposes of the definition of *relevant licence* in section 9AA(8) of the Act, an accreditation by the NSW Education Standards Authority is declared to be a relevant licence.

[2] Clause 18 Proof of identity

Insert “in accordance with the requirements set out in the application form approved by the Children’s Guardian” after “New South Wales Government” in clause 18(1).

[3] Clause 18(2)

Omit the subclause.

[4] Clause 18(3)

Omit “subclauses (1) and (2)”. Insert instead “subclause (1)”.

[5] Clause 18A

Insert after clause 18—

18A Alternative payment and identity documents

- (1) This clause applies if an applicant for a clearance is unable to comply with the identification requirements in the application form.
- (2) Despite clauses 17 and 18—
 - (a) the application fee is to be paid to the Office of the Children’s Guardian, and
 - (b) the applicant for the clearance is to provide proof of the applicant’s identity to the Office of the Children’s Guardian in the manner approved by the Children’s Guardian.