



New South Wales

# Child Protection (Working with Children) Amendment (Miscellaneous) Regulation 2022

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*.

NATASHA MACLAREN-JONES, MLC  
Minister for Families and Communities

## Explanatory note

This Regulation has the following objects—

- (a) to enable the holder of a working with children check clearance who is applying for a new clearance to—
  - (i) provide proof of their identity through an online system, and
  - (ii) pay the application fee by an online method of payment,
- (b) to permit the Children’s Guardian, with the consent of a worker, to disclose information to the Secretary of certain prescribed agencies indicating that a criminal record check at the time of the verification of the worker did not disclose any criminal record in relation to the worker,
- (c) to clarify that grooming of a child is considered a sexual offence for the purposes of conduct constituting an assessment requirement trigger under the *Child Protection (Working with Children) Act 2012*.

This Regulation is made under the *Child Protection (Working with Children) Act 2012*, including sections 13(4) and 52, the general regulation-making power.

## **Child Protection (Working with Children) Amendment (Miscellaneous) Regulation 2022**

under the

Child Protection (Working with Children) Act 2012

### **1 Name of Regulation**

This Regulation is the *Child Protection (Working with Children) Amendment (Miscellaneous) Regulation 2022*.

### **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) Regulation 2013**

### **[1]    Clause 3 Definitions**

Insert in alphabetical order in clause 3(1)—

*Service NSW service centre* includes a place designated by the Chief Executive Officer of Service NSW to—

- (a) receive payment of the application fee for a clearance, or
- (b) confirm proof of identity in relation to an application for a clearance.

### **[2]    Clauses 17(2) and 18(1)**

Omit “a motor registry or a Government Access Centre established by the New South Wales Government” wherever occurring.

Insert instead “a Service NSW service centre”.

### **[3]    Clause 17 Application fees**

Insert after clause 17(2)—

- (2A) Despite subclause (2), an applicant invited to provide proof of identity through an online system under clause 18(2) may pay the application fee by an online method of payment.

### **[4]    Clause 18 Proof of identity**

Insert after clause 18(1)—

- (2) An applicant for a clearance who is the holder of a clearance may, at the written invitation of the Children’s Guardian, provide proof of the applicant’s identity through an online system.

### **[5]    Clause 18(3)**

Omit “Despite subclause (1), the”. Insert instead “The”.

### **[6]    Clause 18(3)(a) and (c)**

Omit “a motor registry or Government Access Centre” wherever occurring.

Insert instead “a Service NSW service centre”.

### **[7]    Clause 27**

Insert after clause 26—

#### **27    Authorised disclosure of information**

For the purposes of the Act, section 45(3), the following agencies are prescribed—

- (a) the Department of Customer Service,
- (b) the Ministry of Health,
- (c) the Department of Education.

## **Schedule 2      Amendment of Child Protection (Working with Children) Act 2012 No 51**

**[1]      Schedule 1 Assessment requirement triggers**

Insert “including grooming of a child,” after “of a child,” in clause 2(aa).

**[2]      Schedule 1, clause 2(a)**

Omit “including grooming of a child,”.