



New South Wales

Child Protection (Working with Children) Amendment (Miscellaneous) Regulation (No 3) 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

The object of this Regulation is to amend the *Child Protection (Working with Children) Regulation 2013* to—

- (a) prescribe the NSW Education Standards Authority as a notifiable person in relation to persons who are, or apply to be, accredited within the meaning of the *Teacher Accreditation Act 2004*, and
- (b) provide that work as an inspector carrying out functions under the *Public Health (Tobacco) Act 2008* is child-related work, and
- (c) allow the Children's Guardian to disclose to the following persons, at the time a worker's details are being verified and with the consent of the worker, that a criminal record check did not disclose a criminal record for the worker—
 - (i) the Secretary of the Department of Communities and Justice,
 - (ii) the Chief Executive Officer of the NSW Education Standards Authority,
 - (iii) the Managing Director of the TAFE Commission.

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1 Name of Regulation

This Regulation is the *Child Protection (Working with Children) Amendment (Miscellaneous) Regulation (No 3) 2022*.

2 Commencement

This Regulation commences as follows—

- (a) for Schedule 1[2] and [3]—on 1 December 2022,
- (b) otherwise—on the day the Regulation is published on the NSW legislation website.

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

[1] Clause 3A

Insert after clause 3—

3A Notifiable persons

For the Act, section 5(1), definition of *notifiable person*, paragraph (f), the NSW Education Standards Authority is prescribed as a notifiable person if the applicant or holder—

- (a) is accredited within the meaning of the *Teacher Accreditation Act 2004*,
or
- (b) has applied for accreditation within the meaning of that Act.

[2] Clause 16AA

Insert after clause 16—

16AA Inspectors under Public Health (Tobacco) Act 2008

For the Act, section 6(2)(m), work as an inspector, within the meaning of the *Public Health (Tobacco) Act 2008*, carrying out functions under that Act is child-related work.

[3] Clause 20 Exemption from Act for specified workers and employers

Omit clause 20(1)(j). Insert instead—

- (j) a co-worker or work supervisor of a child, other than a worker engaged in work referred to in clause 12(2) or 16AA,

[4] Clause 27 Authorised disclosure of information

Insert after clause 27(c)—

- (d) the Department of Communities and Justice,
- (e) the NSW Education Standards Authority,
- (f) the TAFE Commission.