

2020

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Community Services and Facilities)

# Working with Vulnerable People (Background Checking) Amendment Bill 2020

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THE LEGISLATIVE ASSEMBLY  
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(As presented)

(Minister for Community Services and Facilities)

# **Working with Vulnerable People (Background Checking) Amendment Bill 2020**

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## **A Bill for**

An Act to amend the *Working with Vulnerable People (Background Checking) Act 2011*, and for other purposes

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

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J2019-694

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

- 1 **1 Name of Act**
- 2 This Act is the *Working with Vulnerable People (Background*  
3 *Checking) Amendment Act 2020*.
- 4 **2 Commencement**
- 5 This Act commences on the later of—
- 6 (a) the commencement of the *Working with Vulnerable People*  
7 *(Background Checking) Amendment Act 2019*, section 3; and
- 8 (b) the day after this Act’s notification day.
- 9 *Note* The naming and commencement provisions automatically commence on  
10 the notification day (see [Legislation Act](#), s 75 (1)).
- 11 **3 Legislation amended**
- 12 This Act amends the *Working with Vulnerable People (Background*  
13 *Checking) Act 2011*.
- 14 *Note* This Act also amends other legislation (see sch 1).
- 15 **4 New section 6A**
- 16 *in part 1, insert*
- 17 **6A Best interests of vulnerable people paramount**  
18 **consideration**
- 19 (1) A person making a decision under this Act must regard the best  
20 interests of vulnerable people as the paramount consideration.
- 21 (2) In forming a view about the best interests of vulnerable people, a  
22 person making a decision under this Act must take into account the  
23 safety, welfare and protection of vulnerable people.

1 **5** **When is a person *engaged* in a regulated activity?**  
2 **Section 9 (b) (ii), example 11**

3 *omit*

4 **6** **What is *contact* with a vulnerable person?**  
5 **Section 10, definition of *contact*, paragraph (c) (i),**  
6 **examples and note**

7 *omit*

8 **7** **New sections 11A and 11B**

9 *in part 2, insert*

10 **11A** **Meaning of *relevant offence***

11 In this Act:

12 ***relevant offence*** means any of the following offences (whether  
13 committed in the ACT or elsewhere):

- 14 (a) a sexual offence;
- 15 (b) an offence against the person;
- 16 (c) an offence involving violence;
- 17 (d) an offence involving dishonesty or fraud;
- 18 (e) an offence relating to property;
- 19 (f) an offence involving possession of, or trafficking in, a drug of  
20 dependence or controlled drug;
- 21 (g) an offence against an animal;
- 22 (h) a driving offence;
- 23 (i) a disqualifying offence.

24 *Note* A reference to an offence includes a reference to a related ancillary  
25 offence, eg attempt (see [Legislation Act](#), s 189).

1 **11B** **Meaning of *disqualifying offence* etc**

2 In this Act:

3 *class A disqualifying offence* means an offence against a provision  
4 of a law mentioned in schedule 3, part 3.2, column 2 if—

- 5 (a) any condition mentioned in column 4 for the offence is met; and  
6 (b) the person who committed the offence is not engaged, or seeking  
7 registration to engage, only in a kinship care activity.

8 *class B disqualifying offence*—

- 9 (a) means an offence against a provision of a law mentioned in  
10 schedule 3, part 3.3, column 2, if any condition mentioned in  
11 column 4 for the offence is met; and  
12 (b) for a person engaged, or seeking registration to engage, only in  
13 a kinship care activity—includes an offence mentioned in  
14 schedule 3, part 3.2, column 2, if any condition mentioned in  
15 column 4 for the offence is met.

16 *disqualifying offence* means a class A disqualifying offence or a  
17 class B disqualifying offence.

18 **8** **When is a person required to be registered?**  
19 **Section 12 (1)**

20 *substitute*

- 21 (1) A person is required to be registered—  
22 (a) to engage in a regulated activity; or  
23 (b) if the person is one of the key personnel of a registered NDIS  
24 provider that is providing an NDIS activity.



1 **9 Section 12 (4), definition of *close relative*, paragraph (b)**  
2 **and note**

3 *substitute*

4 (b) does not include a kinship carer of the vulnerable person.

5 **10 Offences—person engage in regulated activity for which**  
6 **person not registered**  
7 **Section 13 (1), note 1**

8 *substitute*

9 *Note 1* A person with conditional registration might not be allowed to engage in  
10 all regulated activities (see s 42 and s 54A).

11 **11 Section 13 (5), note 2**

12 *substitute*

13 *Note 2* The defendant has an evidential burden in relation to the matters  
14 mentioned in s (5) (see [Criminal Code](#), s 58).

15 **12 Offences—employer engage person in regulated activity**  
16 **for which person not registered**  
17 **Section 14 (1), note 1**

18 *substitute*

19 *Note 1* A person with conditional registration might not be allowed to engage in  
20 all regulated activities (see s 42 and s 54A).

21 **13 Section 14 (5), note 2**

22 *substitute*

23 *Note 2* The defendant has an evidential burden in relation to the matters  
24 mentioned in s (5) (see [Criminal Code](#), s 58).

1 **14 Section 15A heading**

2 *substitute*

3 **15A Interim bar—supervised employment**

4 **15 Section 15A (1) and note**

5 *substitute*

6 (1) Despite section 15, the commissioner may impose an interim bar on  
7 an unregistered person, stopping the person from engaging in either  
8 of the following activities, if the commissioner reasonably believes  
9 that the person poses an unacceptable risk of harm to a vulnerable  
10 person:

11 (a) a regulated activity involving children;

12 (b) an NDIS activity.

13 *Note* A decision under s (1) is a reviewable decision (see s 61).

14 **16 When unregistered person may be engaged in regulated  
15 activity—kinship carer  
16 Section 16 (1)**

17 *substitute*

18 (1) This section applies to an unregistered person if the person—

19 (a) is engaged in a kinship care activity; and

20 (b) is required to be registered to engage in the activity.

21 **17 Section 16 (3), definition of *kinship carer***

22 *omit*

1 **18 Application for registration**  
2 **Section 17 (1) and note**

3 *substitute*

- 4 (1) A person may apply to the commissioner for registration under this  
5 Act, other than registration to engage in a regulated activity for which  
6 the person is not eligible to be registered.

7 *Note* A fee may be determined under s 68 for this provision.

- 8 (1A) A person who has an adult conviction or finding of guilt for a class A  
9 disqualifying offence is not eligible to be registered to engage in—

10 (a) a regulated activity involving children; or

11 (b) an NDIS activity.

12 *Note* If the person is registered to engage in another regulated activity, the  
13 registration is subject to the condition that the person not engage in a  
14 regulated activity involving children or an NDIS activity (see s 42A).

15 **19 Section 17 (4), note**

16 *omit*

17 **20 Section 21 heading**

18 *substitute*

19 **21 Offences—applicant fail to disclose charge, conviction or**  
20 **finding of guilt for relevant offence**

21 **21 Section 21 (1) (c) and (2) (c)**

22 *omit*

23 a disqualifying offence or

1 **22 Restriction on reapplying for registration**  
2 **Section 22 (2A)**

3 *substitute*

4 (2A) However, subsection (2) (a) does not apply to a person if—

5 (a) the negative notice was given or registration cancelled because  
6 the person was not eligible, or stopped being eligible, to be  
7 registered under section 17 (1A); and

8 (b) the person is applying for registration to engage in a regulated  
9 activity involving children or an NDIS activity.

10 **Examples—change in relevant information**

- 11 1 the person's conviction for the class A disqualifying offence is quashed  
12 2 the person becomes a kinship carer for a child

13 *Note* A negative notice must be given under s 40 (1) (aa) if the person is not  
14 eligible to be registered. Registration is automatically cancelled under  
15 s 56A if the person is not eligible to be registered.

16 **23 Sections 24 to 26A**

17 *substitute*

18 **24 Meaning of *criminal history***

19 In this Act:

20 ***criminal history***, about a person, means any conviction of, or finding  
21 of guilt against, the person for a relevant offence.

22 *Note* A conviction does not include a spent conviction or an extinguished  
23 conviction (see *Spent Convictions Act 2000*, s 16 (c) (i) and  
24 s 19H (1) (c) (i)).

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1 **25** **Meaning of *non-conviction information***

2 In this Act:

3 ***non-conviction information***, about a person, means any of the  
4 following information:

- 5 (a) the person has an outstanding charge for a relevant offence;
- 6 (b) the person has been charged with a relevant offence but the  
7 charge has lapsed, been withdrawn or discharged, or struck out;
- 8 (c) the person has been acquitted of an alleged relevant offence;
- 9 (d) the person has had a conviction for an alleged relevant offence  
10 quashed or set aside;
- 11 (e) the person has been served with an infringement notice for an  
12 alleged relevant offence;
- 13 (f) the person has a spent conviction for a relevant offence.

14 *Note* The *Spent Convictions Act 2000* sets out which convictions can be  
15 spent (see that [Act](#), s 11) and when a conviction is spent (see that  
16 [Act](#), s 12).

17 **24** **Risk assessment guidelines—content**

18 **Section 28 (2) (a), note**

19 *substitute*

20 *Note* The risk assessment guidelines must provide for certain matters in  
21 relation to relevant offences in the person's criminal history  
22 (see s 29).

23 **25** **Section 28 (2) (b), note**

24 *substitute*

25 *Note* The risk assessment guidelines must provide for certain matters in  
26 relation to relevant offences, and alleged relevant offences, in the  
27 person's non-conviction information (see s 30).

1 **26 Section 29**

2 *substitute*

3 **29 Risk assessment guidelines—criminal history**

4 (1) The risk assessment guidelines must provide for the following to be  
5 taken into account in relation to any relevant offence included in a  
6 person's criminal history:

- 7 (a) the nature, gravity and circumstances of the offence;
- 8 (b) the relevance of the offence;
- 9 (c) how long ago the offence was committed;
- 10 (d) the age of the person and the victim at the time of the offence;
- 11 (e) whether the person's circumstances have changed since the  
12 offence was committed;
- 13 (f) the person's attitude to the offence;
- 14 (g) if the person has undergone a program of treatment or  
15 intervention for the offence—any assessment of the person  
16 following the program;
- 17 (h) if the offence was committed outside Australia—whether the  
18 offence is an offence in Australia;
- 19 (i) whether the person has committed any other relevant offence;
- 20 (j) any submission made by the person to the commissioner in  
21 relation to the matters mentioned in paragraphs (a) to (i).

22 (2) In addition, the risk assessment guidelines must provide for whether  
23 the person has exceptional circumstances that justify the person being  
24 registered if—

- 25 (a) the person's criminal history includes an adult conviction or  
26 finding of guilt for a class B disqualifying offence; and

- 1 (b) the person applies for registration to engage in—  
 2 (i) a regulated activity involving children; or  
 3 (ii) an NDIS activity.

4 *Note* A person with an adult conviction or finding of guilt for a class A  
 5 disqualifying offence is not eligible to be registered to engage in a  
 6 regulated activity involving children or an NDIS activity (see s 17 (1A)).

7 **27 Risk assessment guidelines—non-conviction information**  
 8 **Section 30**

9 *omit everything before paragraph (a), substitute*

10 The risk assessment guidelines must provide for the following to be  
 11 taken into account in relation to any relevant offence, or any alleged  
 12 relevant offence, included in a person's non-conviction information:

13 **28 New section 30 (2)**

14 *insert*

- 15 (2) In addition, the risk assessment guidelines must provide for whether  
 16 the person has exceptional circumstances that justify the person being  
 17 registered if—  
 18 (a) the person's non-conviction information includes an  
 19 outstanding charge for a disqualifying offence committed when  
 20 the person was an adult; and  
 21 (b) the person applies for registration to engage in—  
 22 (i) a regulated activity involving children; or  
 23 (ii) an NDIS activity.

- 1 **29 Risk assessments**  
2 **New section 32 (3)**
- 3 *insert*
- 4 (3) However, the commissioner need not take any further action on the  
5 risk assessment if the person—
- 6 (a) applies for registration to engage in—
- 7 (i) a regulated activity involving children; or  
8 (ii) an NDIS activity; and
- 9 (b) the commissioner becomes aware the person is not eligible, or  
10 stops being eligible, under section 17 (1A) to be registered to  
11 engage in the activity.
- 12 *Note* Under s 17 (1A), a person is not eligible to be registered to engage  
13 in a regulated activity involving children or an NDIS activity if the  
14 person has an adult conviction or finding of guilt for a class A  
15 disqualifying offence.
- 16 **30 Independent advisors—appointment**  
17 **Section 34 (1), note 1**
- 18 *omit*
- 19 **31 Proposed negative notices**  
20 **Section 37 (4)**
- 21 *omit*
- 22 must not tell
- 23 *substitute*
- 24 must not, without the person’s consent, tell



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1 **32 Negative notices**  
2 **New section 40 (1) (aa)**

3 *before section 40 (1) (a), insert*

4 (aa) for an application for registration to engage in a regulated  
5 activity involving children or an NDIS activity—if the  
6 commissioner becomes aware the person is not eligible, or stops  
7 being eligible, under section 17 (1A) to be registered to engage  
8 in the activity; or

9 *Note* Under s 17 (1A), a person is not eligible to be registered to engage  
10 in a regulated activity involving children or an NDIS activity if the  
11 person has an adult conviction or finding of guilt for a class A  
12 disqualifying offence.

13 **33 Section 40 (2) (a), notes**

14 *omit*

15 **34 Section 40 (3) and note**

16 *omit*

17 **35 Section 40 (4), new note**

18 *insert*

19 *Note* If an unregistered person engaging in a regulated activity under s 15 is  
20 given a negative notice, the person commits an offence under s 13 if the  
21 person continues to engage in the activity.

22 **36 New section 40 (5)**

23 *insert*

24 (5) For subsection (2) (b) and subsection (4), the commissioner must not,  
25 without the person's consent, tell a named employer or vulnerable  
26 person the reasons for giving the person the negative notice.

**37**      **Registration**  
**Section 41 (2)**

*substitute*

- (2) The commissioner must—
- (a) register the person; and
  - (b) tell the person, in writing—
    - (i) of the positive risk assessment; and
    - (ii) that the person is registered; and
    - (iii) the person’s unique identifying number; and
    - (iv) if the registration is conditional under section 42A (Conditional registration—class A disqualifying offence)—
      - (A) what the condition is; and
      - (B) the reasons for the condition; and
    - (v) the day the registration ends; and
    - (vi) anything else prescribed by regulation; and
  - (c) if the registration is conditional under section 42A—tell the named employer (if any) in writing—
    - (i) that the person’s registration is conditional; and
    - (ii) what the condition is.
- (2A) For subsection (2) (c), the commissioner must not, without the person’s consent, tell the named employer the reasons for the condition.

1 **38 Conditional registration**  
2 **Section 42 (2) to (4)**

3 *omit*

4 **39 New sections 42A to 42C**

5 *insert*

6 **42A Conditional registration—class A disqualifying offence**

7 A registration of a person who has an adult conviction or finding of  
8 guilt for a class A disqualifying offence is automatically subject to  
9 the condition that the person must not engage in—

10 (a) a regulated activity involving children; or

11 (b) an NDIS activity.

12 *Note 1* Sections 43 to 46 do not apply to a condition under this section.

13 *Note 2* For a kinship carer, a class A disqualifying offence is treated as if it were  
14 a class B disqualifying offence (see s 11B).

15 **42B Conditional registration—role-based registration**

16 (1) The commissioner may register a person (a *role-based registration*)  
17 subject to 1 or both of the following conditions:

18 (a) that the person engage only in stated regulated activities;

19 (b) that the person engage in regulated activities only for a stated  
20 employer.

21 **Example—role-based registration**

22 a person with a criminal record is registered but may only work as a counsellor in  
23 a particular correctional centre

- 1           (2) Before giving a person a role-based registration, the commissioner  
2           may—
- 3           (a) consult, in accordance with the risk assessment guidelines, with  
4           1 or more independent advisors; and
- 5           (b) consider any relevant advice given.
- 6           (3) A regulation may prescribe information that a person or an employer  
7           must give the commissioner before the commissioner may give the  
8           person a role-based registration.

9           **42C           Conditional registration—disqualifying offences**

- 10           (1) This section applies if the commissioner decides to register a person  
11           who has—
- 12           (a) an outstanding charge for a disqualifying offence committed  
13           when the person was an adult; or
- 14           (b) an adult conviction or finding of guilt for a class B disqualifying  
15           offence.
- 16           (2) Unless the commissioner is satisfied there are exceptional  
17           circumstances, the person’s registration is subject to the condition  
18           that the person must not engage in—
- 19           (a) a regulated activity involving children; or
- 20           (b) an NDIS activity.

21           *Note 1*   If the person is acquitted or the charges lapse or are withdrawn or  
22           discharged, the person may apply to the commissioner to have the  
23           condition removed (see s 47).

24           *Note 2*   If the person has an adult conviction or finding of guilt for a class A  
25           disqualifying offence their registration is cancelled (see s 56A).

1 **40 Proposed conditional registration**  
2 **Section 43 (1)**

3 *after*

4 register a person conditionally

5 *insert*

6 (other than under section 42A)

7 **41 Section 43 (3)**

8 *omit*

9 must not tell

10 *substitute*

11 must not, without the person's consent, tell

12 **42 Notice of conditional registration**  
13 **Section 46 (2)**

14 *substitute*

15 (2) If a registration is subject to a condition, the commissioner must—

16 (a) register the person; and

17 (b) tell the person, in writing—

18 (i) of the positive risk assessment; and

19 (ii) that the person is registered subject to a condition  
20 including—

21 (A) what the condition is; and

22 (B) the reasons for the condition; and

23 (iii) the person's unique identifying number; and

24 (iv) the day the registration ends; and

- 1 (v) anything else prescribed by regulation; and  
2 (c) tell the named employer (if any) in writing—  
3 (i) that the person’s registration is conditional; and  
4 (ii) what the condition is.  
5 (2A) For subsection (2) (c), the commissioner must not, without the  
6 person’s consent, tell the named employer the reasons for the  
7 condition.

8 **43 Interim conditional registration**  
9 **Section 54A (6)**

10 *substitute*

- 11 (6) For subsection (5) (b), the commissioner must not, without the  
12 person’s consent, tell the person’s employer the reasons for the  
13 interim condition.

14 **44 Section 55 heading**

15 *substitute*

16 **55 Offences—registered person fail to disclose charge,**  
17 **conviction or finding of guilt for relevant offence**

18 **45 Section 55 (1) (b) and (2) (b)**

19 *omit*

20 a disqualifying offence or

- 1 **46 Section 56 heading**
- 2 *substitute*
- 3 **56 Offence—fail to notify change of name**
- 4 **47 New section 56A**
- 5 *in division 6.4, insert*
- 6 **56A Automatic cancellation—class A disqualifying offence**
- 7 (1) A person’s registration is automatically cancelled if—
- 8 (a) the person is registered to engage in—
- 9 (i) a regulated activity involving children; or
- 10 (ii) an NDIS activity; and
- 11 (b) the person is not eligible, or stops being eligible, under
- 12 section 17 (1A) to be registered to engage in the activity.
- 13 *Note* Under s 17 (1A), a person is not eligible to be registered to engage
- 14 in a regulated activity involving children or an NDIS activity if the
- 15 person has an adult conviction or finding of guilt for a class A
- 16 disqualifying offence.
- 17 (2) As soon as the commissioner becomes aware of the person’s
- 18 ineligibility, the commissioner must—
- 19 (a) tell the person, in writing, that their registration is cancelled; and
- 20 (b) tell the person’s employer, in writing, that the person’s
- 21 registration is cancelled.
- 22 *Note* A registered person must tell the commissioner if they are charged with,
- 23 or convicted or found guilty of, a disqualifying offence (see s 55).
- 24 (3) For subsection (2) (b), the commissioner must not, without the
- 25 person’s consent, tell the person’s employer the ground for
- 26 suspension or cancellation.

1 **48 Notice of proposed suspension or cancellation of**  
2 **registration**  
3 **Section 58 (1), except note**

4 *substitute*

- 5 (1) If the commissioner intends to suspend or cancel a person's  
6 registration under section 57, the commissioner must give the person  
7 written notice of the intention.

8 **49 Suspension or cancellation of registration**  
9 **Section 59 (3)**

10 *substitute*

- 11 (3) For subsection (2) (b), the commissioner must not, without the  
12 person's consent, tell the person's employer the ground for  
13 suspension or cancellation.

14 **50 Commissioner may give information to employers**  
15 **Section 63C (2)**

16 *substitute*

- 17 (2) For subsection (1) (c) (iii), the commissioner—  
18 (a) need not tell the employer what the person's condition is; and  
19 (b) must not, without the person's consent, tell the employer the  
20 reason for the condition.

21 **51 Section 63C (as amended)**

22 *relocate to part 7A*



1 **52 New part 9**

2 *insert*

3 **Part 9 Transitional—Working with**  
4 **Vulnerable People (Background**  
5 **Checking) Amendment Act 2020**

6 **72 Meaning of *commencement day*—pt 9**

7 In this part:

8 *commencement day* means the day the *Working with Vulnerable*  
9 *People (Background Checking) Amendment Act 2020*, section 3  
10 commences.

11 **73 Foster carers**

12 (1) This section applies if, immediately before the commencement day,  
13 a person—

14 (a) is registered under this Act; and

15 (b) is engaged in a foster care activity in relation to a child; and

16 (c) has an adult conviction or finding of guilt for a class A  
17 disqualifying offence.

18 (2) On the commencement day—

19 (a) the person's class A disqualifying offence is taken to be a  
20 class B disqualifying offence, in relation to the person's  
21 registration to engage in the foster care activity in relation to the  
22 child; and

- 1 (b) the person’s registration is automatically subject to the condition  
 2 that the person must not engage in—
- 3 (i) a regulated activity involving children, other than the  
 4 foster care activity in relation to the child; or
- 5 (ii) an NDIS activity.
- 6 (3) Despite paragraph (2) (a), the commissioner need not carry out a risk  
 7 assessment of the person in relation to the disqualifying offence until  
 8 the person applies for renewal of the registration.
- 9 (4) In this section:
- 10 *foster care activity* means a regulated activity under the *Children and*  
 11 *Young People Act 2008*, part 15.4 (Out-of-home carers) as a foster  
 12 carer.
- 13 *Note* An activity conducted, or a service provided, by a foster carer under the  
 14 *Children and Young People Act 2008* is a regulated activity  
 15 (see sch 1, s 1.1).

16 **74 Expiry—pt 9**

17 This part expires 5 years after the commencement day.

18 *Note* Transitional provisions are kept in the Act for a limited time.  
 19 A transitional provision is repealed on its expiry but continues to have  
 20 effect after its repeal (see [Legislation Act](#), s 88).

21 **53 Reviewable decisions**  
 22 **Schedule 2, item 1A**

23 *substitute*

1A	15A (1)	impose interim bar on unregistered person	person
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**54 Schedule 2, item 3***substitute*

3	40 (1) (a)	refuse to register person—unacceptable risk	person
3A	40 (1) (b)	refuse to register person—no request for reconsideration	person

**55 Schedule 3***substitute***Schedule 3 Disqualifying offences**

(see s 11B)

**Part 3.1 Definitions****3.1 Definitions—sch 3**

In this schedule:

*Animal Welfare Act* means the [Animal Welfare Act 1992](#).*Crimes Act* means the [Crimes Act 1900](#).*Criminal Code* means the [Criminal Code 2002](#).*Drugs of Dependence Act* means the [Drugs of Dependence Act 1989](#).*Road Transport (Safety and Traffic Management) Act* means the [Road Transport \(Safety and Traffic Management\) Act 1999](#).*Sex Work Act* means the [Sex Work Act 1992](#).*young adult relationship*—an offence is within a *young adult relationship* if—

- (a) the offence is committed against a child aged 14 or 15 years; and

- 1 (b) the offender is less than 5 years older than the child; and  
 2 (c) the commission of the offence does not involve violence or  
 3 coercion.

## 4 Part 3.2 Class A disqualifying offences

- 5 *Note* An offence mentioned in this part is a class B disqualifying offence for a  
 6 person engaged, or seeking registration to engage, in a kinship care  
 7 activity (see s 11B).

column 1 item	column 2 offence	column 3 short description	column 4 condition
<b>Homicide and related offences</b>			
1	<a href="#">Crimes Act</a> , s 12	murder	
2	<a href="#">Criminal Code</a> , s 44	attempt	to commit murder
3	<a href="#">Crimes Act</a> , s 29 (2)	culpable driving of motor vehicle—cause death	intent to cause death
4	<a href="#">Crimes Act</a> , s 48A (1) (g), for offence against s 29 (2)	aggravated offence against pregnant woman—culpable driving of motor vehicle	intent to cause death
<b>Acts intended to cause injury</b>			
5	<a href="#">Crimes Act</a> , s 19	intentionally inflict grievous bodily harm	offence against vulnerable person
6	<a href="#">Crimes Act</a> , s 20	recklessly inflict grievous bodily harm	offence against vulnerable person
7	<a href="#">Crimes Act</a> , s 21	wounding	offence against vulnerable person
8	<a href="#">Crimes Act</a> , s 22	assault with intent to commit other offence	offence against vulnerable person

<b>column 1 item</b>	<b>column 2 offence</b>	<b>column 3 short description</b>	<b>column 4 condition</b>
9	<a href="#">Crimes Act</a> , s 23	inflict actual bodily harm	offence against vulnerable person
10	<a href="#">Crimes Act</a> , s 24	assault occasioning actual bodily harm	offence against vulnerable person
11	<a href="#">Crimes Act</a> , s 25	cause grievous bodily harm	offence against vulnerable person
12	<a href="#">Crimes Act</a> , s 27 (3) (a)	acts endangering life—chokes, suffocates or strangles	offence against vulnerable person
13	<a href="#">Crimes Act</a> , s 27 (3) (b)	acts endangering life—administer stupefying or overpowering drug	offence against vulnerable person
14	<a href="#">Crimes Act</a> , s 27 (3) (c)	acts endangering life—use offensive weapon	offence against vulnerable person
15	<a href="#">Crimes Act</a> , s 27 (3) (e)	acts endangering life—cause explosion etc	offence against vulnerable person
16	<a href="#">Crimes Act</a> , s 27 (3) (f)	acts endangering life—set trap	offence against vulnerable person
17	<a href="#">Crimes Act</a> , s 27 (3) (g)	acts endangering life—interfere with conveyance, transport facility or public utility service	offence against vulnerable person
18	<a href="#">Crimes Act</a> , s 36	torture	offence against vulnerable person
19	<a href="#">Crimes Act</a> , s 43	childbirth—grievous bodily harm with intent	offence against vulnerable person
20	<a href="#">Crimes Act</a> , s 48A (1) (b)	aggravated offence against pregnant woman—intentionally inflict grievous bodily harm	offence against vulnerable person

<b>column 1 item</b>	<b>column 2 offence</b>	<b>column 3 short description</b>	<b>column 4 condition</b>
21	<a href="#">Crimes Act, s 48A (1) (c)</a>	aggravated offence against pregnant woman—recklessly inflict grievous bodily harm	offence against vulnerable person
22	<a href="#">Crimes Act, s 48A (1) (d)</a>	aggravated offence against pregnant woman—wounding	offence against vulnerable person
23	<a href="#">Crimes Act, s 48A (1) (e)</a>	aggravated offence against pregnant woman—inflict actual bodily harm	offence against vulnerable person
24	<a href="#">Crimes Act, s 74</a>	prohibition of female genital mutilation	offence against vulnerable person
25	<a href="#">Crimes Act, s 75</a>	remove child from ACT for genital mutilation	
<b>Sexual assault and related offences</b>			
26	<a href="#">Crimes Act, s 51</a>	sexual assault in first degree	offence against vulnerable person
27	<a href="#">Crimes Act, s 52</a>	sexual assault in second degree	offence against vulnerable person
28	<a href="#">Crimes Act, s 53</a>	sexual assault in third degree	offence against vulnerable person
29	<a href="#">Crimes Act, s 54</a>	sexual intercourse without consent	offence against vulnerable person
30	<a href="#">Crimes Act, s 55 (1)</a>	sexual intercourse with young person (under 10 years old)	
31	<a href="#">Crimes Act, s 55 (2)</a>	sexual intercourse with young person (under 16 years old)	offence other than within young adult relationship

<b>column 1 item</b>	<b>column 2 offence</b>	<b>column 3 short description</b>	<b>column 4 condition</b>
32	<a href="#">Crimes Act, s 55A</a>	sexual intercourse with young person under special care	
33	<a href="#">Crimes Act, s 56</a>	maintain sexual relationship with young person or person under special care	
34	<a href="#">Crimes Act, s 57</a>	act of indecency in first degree	offence against vulnerable person
35	<a href="#">Crimes Act, s 58</a>	act of indecency in second degree	offence against vulnerable person
36	<a href="#">Crimes Act, s 59</a>	act of indecency in third degree	offence against vulnerable person
37	<a href="#">Crimes Act, s 60</a>	act of indecency without consent	offence against vulnerable person
38	<a href="#">Crimes Act, s 61 (1)</a>	act of indecency without consent (child under 10 years old)	
39	<a href="#">Crimes Act, s 61 (2)</a>	act of indecency without consent (child under 16 years)	offence other than within young adult relationship
40	<a href="#">Crimes Act, s 61A</a>	act of indecency with young person under special care	
41	<a href="#">Crimes Act, s 62 (1)</a>	incest (under 10 years)	
42	<a href="#">Crimes Act, s 62 (2)</a>	incest (under 16 years)	offence against child under 13 years
43	<a href="#">Crimes Act, s 64 (1)</a>	use etc child under 12 years for production of child exploitation material	

<b>column 1 item</b>	<b>column 2 offence</b>	<b>column 3 short description</b>	<b>column 4 condition</b>
44	<a href="#">Crimes Act</a> , s 64 (3)	use etc child 12 years or older for production of child exploitation material	
45	<a href="#">Crimes Act</a> , s 64A	trade in child exploitation material	
46	<a href="#">Crimes Act</a> , s 65	possess child exploitation material	
47	<a href="#">Crimes Act</a> , s 66 (1) (a)	grooming—encourage young person to commit etc act of sexual nature	
48	<a href="#">Crimes Act</a> , s 66 (1) (b)	grooming—engage in conduct with intention of encouraging young person to commit etc act of sexual nature	
49	<a href="#">Crimes Act</a> , s 66 (1) (c)	grooming—engage in conduct with person who has relationship with young person with intention of encouraging young person to commit etc act of sexual nature	
50	<a href="#">Crimes Act</a> , s 79 (1)	sexual servitude—cause person to enter or remain in	offence against vulnerable person
51	<a href="#">Crimes Act</a> , s 79 (2)	sexual servitude—conduct business involving	offence against vulnerable person
52	<a href="#">Crimes Act</a> , s 80	deceptive recruiting for sexual services	offence against vulnerable person



column 1 item	column 2 offence	column 3 short description	column 4 condition
53	<a href="#">Sex Work Act</a> , s 20	cause child to provide commercial sexual services etc	
<b>Abduction, harassment and related offences</b>			
54	<a href="#">Crimes Act</a> , s 37	abduction of young person	offence against child other than family member
55	<a href="#">Crimes Act</a> , s 38	kidnapping	offence against child other than family member
56	<a href="#">Crimes Act</a> , s 40	unlawfully take child etc	offence against child other than family member
57	<a href="#">Crimes Act</a> , s 63	abduction	offence against vulnerable person
<b>Public order offences</b>			
58	<a href="#">Crimes Act</a> , s 63A	bestiality	

### Part 3.3 Class B disqualifying offences

column 1 item	column 2 offence	column 3 short description	column 4 condition
<b>Homicide and related offences</b>			
1	<a href="#">Crimes Act</a> , s 15	manslaughter	
2	<a href="#">Road Transport (Safety and Traffic Management) Act</a> , s 6 (1)	drive motor vehicle negligently	causes death
3	<a href="#">Crimes Act</a> , s 17 (1)	suicide—aids or abets	
4	<a href="#">Crimes Act</a> , s 17 (2)	suicide—incites or counsels	

<b>column 1 item</b>	<b>column 2 offence</b>	<b>column 3 short description</b>	<b>column 4 condition</b>
5	<a href="#">Crimes Act</a> , s 29 (2)	culpable driving of motor vehicle—cause death	without intent to cause death
6	<a href="#">Crimes Act</a> , s 42	child destruction	
7	<a href="#">Crimes Act</a> , s 48A (1) (a)	aggravated offence against pregnant woman—manslaughter	
8	<a href="#">Crimes Act</a> , s 48A (1) (g), for offence against s 29 (2)	aggravated offence against pregnant woman—culpable driving of motor vehicle	without intent to cause death
<b>Acts intended to cause injury</b>			
9	<a href="#">Crimes Act</a> , s 19	intentionally inflict grievous bodily harm	offence other than against vulnerable person
10	<a href="#">Crimes Act</a> , s 20	recklessly inflict grievous bodily harm	offence other than against vulnerable person
11	<a href="#">Crimes Act</a> , s 21	wounding	offence other than against vulnerable person
12	<a href="#">Crimes Act</a> , s 22	assault with intent to commit other offence	offence other than against vulnerable person
13	<a href="#">Crimes Act</a> , s 23	inflict actual bodily harm	offence other than against vulnerable person
14	<a href="#">Crimes Act</a> , s 24	assault occasioning actual bodily harm	offence other than against vulnerable person
15	<a href="#">Crimes Act</a> , s 25	cause grievous bodily harm	offence other than against vulnerable person
16	<a href="#">Crimes Act</a> , s 27 (3) (a)	acts endangering life—chokes, suffocates or strangles	offence other than against vulnerable person

<b>column 1 item</b>	<b>column 2 offence</b>	<b>column 3 short description</b>	<b>column 4 condition</b>
17	<a href="#">Crimes Act,</a> s 27 (3) (b)	acts endangering life— administer stupefying or overpowering drug	offence other than against vulnerable person
18	<a href="#">Crimes Act,</a> s 27 (3) (c)	acts endangering life— use offensive weapon	offence other than against vulnerable person
19	<a href="#">Crimes Act,</a> s 27 (3) (e)	acts endangering life— cause explosion etc	offence other than against vulnerable person
20	<a href="#">Crimes Act,</a> s 27 (3) (f)	acts endangering life— set trap	offence other than against vulnerable person
21	<a href="#">Crimes Act,</a> s 27 (3) (g)	acts endangering life— interfere with conveyance, transport facility or public utility service	offence other than against vulnerable person
22	<a href="#">Crimes Act,</a> s 36	torture	offence other than against vulnerable person
23	<a href="#">Crimes Act,</a> s 48A (1) (b)	aggravated offence against pregnant woman—intentionally inflict grievous bodily harm	offence other than against vulnerable person
24	<a href="#">Crimes Act,</a> s 48A (1) (c)	aggravated offence against pregnant woman—recklessly inflict grievous bodily harm	offence other than against vulnerable person
25	<a href="#">Crimes Act,</a> s 48A (1) (d)	aggravated offence against pregnant woman—wounding	offence other than against vulnerable person
26	<a href="#">Crimes Act,</a> s 48A (1) (e)	aggravated offence against pregnant woman—inflict actual bodily harm	offence other than against vulnerable person

<b>column 1 item</b>	<b>column 2 offence</b>	<b>column 3 short description</b>	<b>column 4 condition</b>
27	<a href="#">Crimes Act, s 48A (1) (f)</a>	aggravated offence against pregnant woman—assault occasioning actual bodily harm	offence other than against vulnerable person
28	<a href="#">Crimes Act, s 74</a>	prohibition of female genital mutilation	offence other than against vulnerable person
<b>Sexual assault and related offences</b>			
29	<a href="#">Crimes Act, s 51</a>	sexual assault in first degree	offence other than against vulnerable person
30	<a href="#">Crimes Act, s 52</a>	sexual assault in second degree	offence other than against vulnerable person
31	<a href="#">Crimes Act, s 53</a>	sexual assault in third degree	offence other than against vulnerable person
32	<a href="#">Crimes Act, s 54</a>	sexual intercourse without consent	offence other than against vulnerable person
33	<a href="#">Crimes Act, s 55 (2)</a>	sexual intercourse with young person (under 16 years old)	offence within young adult relationship
34	<a href="#">Crimes Act, s 57</a>	act of indecency in first degree	offence other than against vulnerable person
35	<a href="#">Crimes Act, s 58</a>	act of indecency in second degree	offence other than against vulnerable person
36	<a href="#">Crimes Act, s 59</a>	act of indecency in third degree	offence other than against vulnerable person
37	<a href="#">Crimes Act, s 60</a>	act of indecency without consent	offence other than against vulnerable person
38	<a href="#">Crimes Act, s 61 (2)</a>	act of indecency without consent (child under 16 years)	offence within young adult relationship

<b>column 1 item</b>	<b>column 2 offence</b>	<b>column 3 short description</b>	<b>column 4 condition</b>
39	<a href="#">Crimes Act</a> , s 61B (1)	observe with device or capture visual data— other person	offence against vulnerable person
40	<a href="#">Crimes Act</a> , s 61B (5)	observe with device or capture visual data— other person’s genital/ anal region or breasts	offence against vulnerable person
41	<a href="#">Crimes Act</a> , s 62 (2)	incest (under 16 years)	offence against child 13 years or older
42	<a href="#">Crimes Act</a> , s 62 (3)	incest (16 years or older)	offence other than against vulnerable person
43	<a href="#">Crimes Act</a> , s 72C	non-consensual distribution of intimate images	offence against vulnerable person
44	<a href="#">Crimes Act</a> , s 72D	distribute intimate image of young person	
45	<a href="#">Crimes Act</a> , s 79 (1)	sexual servitude— cause person to enter or remain in	offence other than against vulnerable person
46	<a href="#">Crimes Act</a> , s 79 (2)	sexual servitude— conduct business involving	offence other than against vulnerable person
47	<a href="#">Crimes Act</a> , s 80	deceptive recruiting for sexual services	offence other than against vulnerable person
<b>Dangerous or negligent acts endangering others</b>			
48	<a href="#">Crimes Act</a> , s 39	neglect etc of children	
49	<a href="#">Crimes Act</a> , s 41	expose or abandon child	
<b>Abduction, harassment and related offences</b>			
50	<a href="#">Crimes Act</a> , s 38	kidnapping	offence against child family member or person other than a vulnerable person

<b>column 1 item</b>	<b>column 2 offence</b>	<b>column 3 short description</b>	<b>column 4 condition</b>
51	<a href="#">Crimes Act</a> , s 63	abduction	offence against child family member or person other than a vulnerable person
<b>Fraud, deception and related offences</b>			
52	<a href="#">Criminal Code</a> , s 326	obtain property by deception	offence against vulnerable person
53	<a href="#">Criminal Code</a> , s 332	obtain financial advantage by deception	offence against vulnerable person
54	<a href="#">Criminal Code</a> , s 333	general dishonesty	
55	<a href="#">Criminal Code</a> , s 334	conspiracy to defraud	offence against vulnerable person
56	<a href="#">Criminal Code</a> , s 336	pass valueless cheques	offence against vulnerable person
57	<a href="#">Criminal Code</a> , s 336A	make false statements on oath or in statutory declarations	
58	<a href="#">Criminal Code</a> , s 337	make false or misleading statements	
59	<a href="#">Criminal Code</a> , s 338	give false or misleading information	offence against vulnerable person
60	<a href="#">Criminal Code</a> , s 339	produce false or misleading documents	offence against vulnerable person
61	<a href="#">Criminal Code</a> , s 346	forgery	offence against vulnerable person
62	<a href="#">Criminal Code</a> , s 347	use false document	offence against vulnerable person
63	<a href="#">Criminal Code</a> , s 348	possess false document	offence against vulnerable person
64	<a href="#">Criminal Code</a> , s 351	false statement by officer of body	

column 1 item	column 2 offence	column 3 short description	column 4 condition
<b>Illicit drug offences</b>			
65	<a href="#">Criminal Code, s 603 (1)</a>	traffic controlled drug—large commercial quantity	
66	<a href="#">Criminal Code, s 603 (3)</a>	traffic controlled drug—commercial quantity	
67	<a href="#">Criminal Code, s 603 (5)</a>	traffic controlled drug—trafficable quantity of cannabis	
68	<a href="#">Criminal Code, s 603 (7)</a>	traffic controlled drug—controlled drug other than cannabis	
69	<a href="#">Criminal Code, s 603 (8)</a>	traffic controlled drug—cannabis	
70	<a href="#">Criminal Code, s 607 (1)</a>	manufacture controlled drug to sell—large commercial quantity	
71	<a href="#">Criminal Code, s 607 (3)</a>	manufacture controlled drug to sell—commercial quantity	
72	<a href="#">Criminal Code, s 607 (5)</a>	manufacture controlled drug to sell	
73	<a href="#">Criminal Code, s 609</a>	manufacture controlled drug	
74	<a href="#">Criminal Code, s 610 (1)</a>	sell controlled precursor—large commercial quantity	
75	<a href="#">Criminal Code, s 610 (3)</a>	sell controlled precursor—commercial quantity	

<b>column 1 item</b>	<b>column 2 offence</b>	<b>column 3 short description</b>	<b>column 4 condition</b>
76	<a href="#">Criminal Code,</a> s 610 (5)	sell controlled precursor for manufacture	
77	<a href="#">Criminal Code,</a> s 611 (1)	manufacture controlled precursor—large commercial quantity	
78	<a href="#">Criminal Code,</a> s 611 (3)	manufacture controlled precursor to sell—large commercial quantity	
79	<a href="#">Criminal Code,</a> s 611 (5)	manufacture controlled precursor— commercial quantity	
80	<a href="#">Criminal Code,</a> s 611 (7)	manufacture controlled precursor to sell— commercial quantity	
81	<a href="#">Criminal Code,</a> s 611 (9)	manufacture controlled precursor	
82	<a href="#">Criminal Code,</a> s 611 (10)	manufacture controlled precursor to sell	
83	<a href="#">Criminal Code,</a> s 612 (1)	possess controlled precursor—large commercial quantity	
84	<a href="#">Criminal Code,</a> s 612 (3)	possess controlled precursor— commercial quantity	
85	<a href="#">Criminal Code,</a> s 612 (5)	possess controlled precursor	
86	<a href="#">Criminal Code,</a> s 613 (1)	supply substance, equipment or document for drug manufacture	



<b>column 1 item</b>	<b>column 2 offence</b>	<b>column 3 short description</b>	<b>column 4 condition</b>
87	<a href="#">Criminal Code</a> , s 613 (2)	possess substance, equipment or document to supply for drug manufacture	
88	<a href="#">Criminal Code</a> , s 614	possess substance, equipment or document for drug manufacture	
89	<a href="#">Criminal Code</a> , s 616 (1)	cultivate controlled plant to sell—large commercial quantity	
90	<a href="#">Criminal Code</a> , s 616 (3)	cultivate controlled plant to sell— commercial quantity	
91	<a href="#">Criminal Code</a> , s 616 (5)	cultivate controlled plant to sell— trafficable quantity	
92	<a href="#">Criminal Code</a> , s 616 (7)	cultivate other controlled plant to sell	
93	<a href="#">Criminal Code</a> , s 616 (8)	cultivate cannabis plant to sell	
94	<a href="#">Criminal Code</a> , s 618 (1)	cultivate controlled plant other than cannabis plant	
95	<a href="#">Criminal Code</a> , s 619 (1)	sell controlled plant— large commercial quantity	
96	<a href="#">Criminal Code</a> , s 619 (3)	sell controlled plant— commercial quantity	
97	<a href="#">Criminal Code</a> , s 619 (5)	sell controlled plant— trafficable quantity of cannabis plant	

<b>column 1 item</b>	<b>column 2 offence</b>	<b>column 3 short description</b>	<b>column 4 condition</b>
98	<a href="#">Criminal Code</a> , s 619 (7)	sell controlled plant— controlled plant other than cannabis plant	
99	<a href="#">Criminal Code</a> , s 619 (8)	sell controlled plant— cannabis plant	
100	<a href="#">Criminal Code</a> , s 620 (1)	supply controlled plant, product, equipment or document—cultivation	
101	<a href="#">Criminal Code</a> , s 620 (2)	possess controlled plant, product, equipment or document—intent to supply to another	
102	<a href="#">Criminal Code</a> , s 621	possess controlled plant, product, equipment or document—cultivation	
103	<a href="#">Criminal Code</a> , s 622 (1)	supply controlled drug to child for selling— commercial quantity	
104	<a href="#">Criminal Code</a> , s 622 (3)	supply controlled drug to child for selling	
105	<a href="#">Criminal Code</a> , s 624 (1)	procure child to traffic in controlled drug— commercial quantity	
106	<a href="#">Criminal Code</a> , s 624 (4)	procure child to traffic in controlled drug	
107	<a href="#">Criminal Code</a> , s 625	supply controlled drug to child	
108	<a href="#">Drugs of Dependence Act</a> , s 164 (2)	sell or supply drug of dependence	

column 1 item	column 2 offence	column 3 short description	column 4 condition
109	<a href="#">Drugs of Dependence Act, s 164 (3)</a>	sell or supply prohibited substance	
<b>Public order offences</b>			
110	<a href="#">Animal Welfare Act, s 7A</a>	aggravated cruelty	

1 **56 Dictionary, new definition of *adult conviction or finding of***  
 2 ***guilt***

3 *insert*

4 *adult conviction or finding of guilt*, for a person for an offence,  
 5 means a conviction or finding of guilt for an offence committed when  
 6 the person was an adult.

7 **57 Dictionary, definitions of *class A disqualifying offence etc***

8 *substitute*

9 *class A disqualifying offence*—see section 11B.

10 *class B disqualifying offence*—see section 11B.

11 *disqualifying offence*—see section 11B.

12 **58 Dictionary, new definition of *Drugs of Dependence Act***

13 *insert*

14 *Drugs of Dependence Act*, for schedule 3 (Disqualifying offences)—  
 15 see schedule 3, section 3.1.

16 **59 Dictionary, definition of *interim bar***

17 *omit*

- 1 **60 Dictionary, new definitions**
- 2 *insert*
- 3 ***kinship care activity*** means a regulated activity under the *Children*  
4 *and Young People Act 2008*, part 15.4 (Out-of-home carers) as a  
5 kinship carer.
- 6 *Note* An activity conducted, or a service provided, by a kinship carer under the  
7 *Children and Young People Act 2008* is a regulated activity  
8 (see sch 1, s 1.1).
- 9 ***kinship carer***—see the *Children and Young People Act 2008*,  
10 section 516.
- 11 **61 Dictionary, definition of *relevant offence***
- 12 *substitute*
- 13 ***relevant offence***—see section 11A.
- 14 **62 Dictionary, new definition of *Road Transport (Safety and*  
15 *Traffic Management) Act***
- 16 *insert*
- 17 ***Road Transport (Safety and Traffic Management) Act***, for  
18 schedule 3 (Disqualifying offences)—see schedule 3, section 3.1.
- 19 **63 Dictionary, definition of *role-based registration***
- 20 *substitute*
- 21 ***role-based registration***—see section 42B.
- 22 **64 Dictionary, new definition of *young adult relationship***
- 23 *insert*
- 24 ***young adult relationship***, for schedule 3 (Disqualifying offences)—  
25 see schedule 3, section 3.1.

1 **Schedule 1**            **Consequential amendments**

2 (see s 3)

3 **Part 1.1**                **ACT Teacher Quality Institute**  
4 **Act 2010**

5 **[1.1] Section 32 (1) (d)**

6 *substitute*

7 (d) the person holds working with vulnerable people registration;  
8 and

9 **[1.2] Section 33 (1) (c)**

10 *substitute*

11 (c) the person holds working with vulnerable people registration;  
12 and

13 **[1.3] Section 35 (1) (b)**

14 *substitute*

15 (b) the person holds working with vulnerable people registration;  
16 and

17 **[1.4] Section 38 (1) (c)**

18 *substitute*

19 (c) maintains working with vulnerable people registration; and

- 1 **[1.5] Section 38 (1) (d) (ii)**
- 2 *substitute*
- 3 (ii) the teacher's working with vulnerable people  
4 registration—
- 5 (A) is made subject to a condition or interim condition;  
6 or
- 7 (B) is suspended; or
- 8 (C) ends.

- 9 **[1.6] Section 51 (5) (d)**
- 10 *substitute*
- 11 (d) that the teacher holds working with vulnerable people  
12 registration.

- 13 **[1.7] Section 53 (5) (d)**
- 14 *substitute*
- 15 (d) that the permit-holder holds working with vulnerable people  
16 registration.

- 17 **[1.8] Section 67 (c)**
- 18 *substitute*
- 19 (c) the teacher's working with vulnerable people registration—
- 20 (i) is made subject to a condition or interim condition; or
- 21 (ii) is suspended; or
- 22 (iii) has ended.

1 **[1.9] Section 70G (5) (b) (ii)**

2 *substitute*

3 (ii) the pre-service teacher's working with vulnerable people  
4 registration—

5 (A) is made subject to a condition that the person not  
6 engage in a regulated activity involving children; or

7 (B) is suspended; or

8 (C) ends.

9 **[1.10] Section 70M (1) (b)**

10 *substitute*

11 (b) the pre-service teacher's working with vulnerable people  
12 registration—

13 (i) is made subject to a condition that the person not engage  
14 in a regulated activity involving children; or

15 (ii) is suspended; or

16 (iii) ends.

17 **[1.11] Section 70M (2) (b)**

18 *substitute*

19 (b) if the provider becomes aware that the pre-service teacher's  
20 working with vulnerable people registration—

21 (i) is subject to a condition that the person not engage in a  
22 regulated activity involving children; or

23 (ii) is suspended; or

24 (iii) has ended.

1 **[1.12] Dictionary, definition of *working with vulnerable people***  
2 ***registration***

3 *substitute*

4 ***working with vulnerable people registration*** means registration that  
5 allows a person to work with children under—

- 6 (a) the *Working with Vulnerable People (Background Checking)*  
7 *Act 2011*; or  
8 (b) for a pre-service teacher—  
9 (i) the *Working with Vulnerable People (Background*  
10 *Checking) Act 2011*; or  
11 (ii) a law of another jurisdiction that corresponds or  
12 substantially corresponds to the *Working with Vulnerable*  
13 *People (Background Checking) Act 2011*.

14 **Part 1.2 Children and Young People**  
15 **Act 2008**

16 **[1.13] Section 514B (3) (a)**

17 *substitute*

- 18 (a) the person is registered under the *Working with Vulnerable*  
19 *People Act* to engage in a regulated activity described in that  
20 *Act*, schedule 1, section 1.1 (Child protection services); or

21 *Note* An activity conducted or a service provided under this Act for a  
22 child or young person is a regulated activity under the *Working*  
23 *with Vulnerable People Act*, sch 1, s 1.1.



1 **[1.14] Section 514E (1) and (2)**

2 *omit*

3 3 years

4 *substitute*

5 5 years

6 **[1.15] Section 856A (1)**

7 *omit*

8 *Working with Vulnerable People (Background Checking) Act 2011*

9 *substitute*

10 *Working with Vulnerable People Act*

11 **[1.16] Section 856B (1)**

12 *omit*

13 *Working with Vulnerable People (Background Checking) Act 2011*

14 *substitute*

15 *Working with Vulnerable People Act*

16 **[1.17] Section 875 (2), examples**

17 *omit*

- 18 • *Working with Vulnerable People (Background Checking) Act 2011*

19 *substitute*

- 20 • *Working with Vulnerable People Act*

1 **Part 1.3** **Magistrates Court (Working with**  
2 **Vulnerable People Infringement**  
3 **Notices) Regulation 2012**

4 **[1.18] Schedule 1, new item 9A**

5 *insert*

9A	55A (1)	50	500
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6 **Part 1.4** **Mental Health (Secure Facilities)**  
7 **Act 2016**

8 **[1.19] Section 69 (3) (c)**

9 *substitute*

- 10 (c) the person's registration under the *Working with Vulnerable*  
11 *People (Background Checking) Act 2011*—
- 12 (i) is made subject to a condition that the person not engage  
13 in a regulated activity described in that *Act*, schedule 1,  
14 section 1.8 (Mental health); or
- 15 (ii) is suspended; or
- 16 (iii) ends; or

1 **Part 1.5** **Working with Vulnerable People**  
2 **(Background Checking)**  
3 **Regulation 2012**

4 **[1.20] Section 5 heading**

5 *substitute*

6 **5 Role-based registration—information—Act, s 42B (3)**

7 **[1.21] Section 5 (2) (c)**

8 *omit*

9 **[1.22] Section 5 (2) (g) and (h)**

10 *substitute*

11 (g) strategies for communication and support, including training  
12 materials for people engaged by the employer to—

- 13 (i) help identify risks of harm to vulnerable people; and  
14 (ii) give instructions for how to handle disclosures or  
15 suspicions of harm to vulnerable people; and  
16 (iii) outline the employer's risk management strategy.

17 **[1.23] Section 6 (2) (b)**

18 *omit*

19 section 42 (4)

20 *substitute*

21 section 42B (3)

- 1 **[1.24] Dictionary, note 3**
- 2 *omit*
- 3 • role-based registration (see s 42 (2))
- 4 *substitute*
- 5 • role-based registration (see s 42B (1))
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## Endnotes

- 1 **Presentation speech**  
Presentation speech made in the Legislative Assembly on 21 May 2020.
- 2 **Notification**  
Notified under the [Legislation Act](#) on 2020.
- 3 **Republications of amended laws**  
For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).
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