

CZ301*

Working with Children (Criminal Record
Checking) Act 2004

Working with Children (Criminal Record Checking) Amendment Regulations 2010

Made by the Lieutenant-Governor and deputy of the Governor in
Executive Council.

1. Citation

These regulations are the *Working with Children (Criminal
Record Checking) Amendment Regulations 2010*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1, 2 and 3 — on the day on which these regulations are published in the *Gazette* (**gazettal day**);
- (b) regulation 5 on the day on which the *Working with Children (Criminal Record Checking) Amendment Act 2010* section 18 comes into operation;
- (c) the rest of the regulations — on the day after gazettal day.

3. Regulations amended

These regulations amend the *Working with Children (Criminal Record Checking) Regulations 2005*.

4. Regulation 5A inserted

After regulation 4 insert:

5A. Prescription of Class 1 offences (Schedule 2A)

An offence against a provision of another jurisdiction listed in Schedule 2A is prescribed under section 7(1)(c) to be a Class 1 offence.

5. Regulation 11A amended

In regulation 11A(1) in the definition of *application* paragraph (b) delete “section 29(2)” and insert:

section 29(1)

6. Schedule 2 replaced

Delete Schedule 2 and insert:

Schedule 2A — Offences under provisions of other jurisdictions prescribed as Class 1 offences

[r. 5A]

Provision and jurisdiction	Description of offence
<i>Criminal Code Act 1995</i> Schedule (Commonwealth) s. 272.8(1)	Engaging in sexual intercourse with child outside Australia (if the child against whom the offence is committed is under 13)

Provision and jurisdiction	Description of offence
s. 272.8(2)	Causing child to engage in sexual intercourse in presence of accused person outside Australia (if the child against whom the offence is committed is under 13)

Schedule 2 — Offences under laws of other jurisdictions prescribed as Class 2 offences

[r. 5]

Provisions and jurisdiction	Description of offence
<i>Criminal Code Act 1995</i> Schedule (Commonwealth)	
s. 271.4	Trafficking in children
s. 271.7	Domestic trafficking in children
s. 272.8(1)	Engaging in sexual intercourse with child outside Australia (if the child against whom the offence is committed is 13 or over)
s. 272.8(2)	Causing child to engage in sexual intercourse in presence of accused person outside Australia (if the child against whom the offence is committed is 13 or over)
s. 272.9(1)	Engaging in sexual activity with child outside Australia
s. 272.9(2)	Causing child to engage in sexual activity in presence of accused person outside Australia
s. 272.10	Aggravated offence — child with mental impairment or under care, supervision or authority of accused person
s. 272.11	Persistent sexual abuse of child outside Australia
s. 272.12(1)	Engaging in sexual intercourse with young person outside Australia — accused person in position of trust or authority
s. 272.12(2)	Causing young person to engage in sexual intercourse in presence of accused person outside Australia — accused person in position of trust or authority
s. 272.13(1)	Engaging in sexual activity with young person outside Australia — accused person in position of trust or authority

Provisions and jurisdiction	Description of offence
s. 272.13(2)	Causing young person to engage in sexual activity in presence of accused person outside Australia — accused person in position of trust or authority
s. 272.14	Procuring child to engage in sexual activity outside Australia
s. 272.15	“Grooming” child to engage in sexual activity outside Australia
s. 272.18	Benefiting from offence against Division 272
s. 272.19	Encouraging offence against Division 272
s. 272.20(1)	Preparing for or planning offence involving sexual intercourse or other sexual activity with child
s. 272.20(2)	Preparing for or planning offence involving sexual intercourse or other sexual activity with young person
s. 273.5	Possessing, controlling, producing, distributing or obtaining child pornography material outside Australia
s. 273.6	Possessing, controlling, producing, distributing or obtaining child abuse material outside Australia
s. 273.7	Aggravated offence — offence involving conduct on 3 or more occasions and 2 or more people
s. 309.2	Supplying controlled drug to child
s. 309.3	Supplying marketable quantity of controlled drug to child for trafficking
s. 309.4	Supplying controlled drug to child for trafficking
s. 309.7	Procuring child for trafficking marketable quantity of controlled drug
s. 309.8	Procuring child for trafficking controlled drug
s. 309.10	Procuring child for pre-trafficking marketable quantity of controlled precursor
s. 309.11	Procuring child for pre-trafficking controlled precursor
s. 309.12	Procuring child for importing or exporting marketable quantity of border controlled drug or border controlled plant

Provisions and jurisdiction	Description of offence
s. 309.13	Procuring child for importing or exporting border controlled drug or border controlled plant
s. 309.14	Procuring child for importing or exporting marketable quantity of border controlled precursor
s. 309.15	Procuring child for importing or exporting border controlled precursor
s. 310.2	Creating danger to child under 14 from exposure to unlawful manufacturing
s. 310.3	Causing harm to child under 14 from exposure to unlawful manufacturing
s. 310.4	Aggravated offences — manufacturing controlled drugs and controlled precursors
s. 471.16(1)	Causing child pornography material to be carried by a postal or similar service
s. 471.16(2)	Requesting person to cause child pornography material to be carried by a postal or similar service
s. 471.17	Possessing, controlling, producing, supplying or obtaining child pornography material for use through a postal or similar service
s. 471.19(1)	Causing child abuse material to be carried by a postal or similar service
s. 471.19(2)	Requesting person to cause child abuse material to be carried by a postal or similar service
s. 471.20	Possessing, controlling, producing, supplying or obtaining child abuse material for use through a postal or similar service
s. 471.22	Aggravated offence — offence involving conduct on 3 or more occasions and 2 or more people
s. 471.24	Using a postal or similar service to procure child under 16 to engage in sexual activity
s. 471.25	Using a postal or similar service to “groom” child under 16
s. 471.26	Using a postal or similar service to send indecent material to child under 16
s. 474.24A	Aggravated offence — offence involving conduct on 3 or more occasions and 2 or more people

Provisions and jurisdiction	Description of offence
s. 474.25A(1)	Engaging in sexual activity with child under 16 using a carriage service
s. 474.25A(2)	Causing child under 16 to engage in sexual activity with another person using a carriage service
s. 474.25B	Aggravated offence — child with mental impairment or under care, supervision or authority of accused person
s. 474.27A	Using a carriage service to transmit indecent communication to child under 16

By Command of the Lieutenant-Governor and
deputy of the Governor,

PETER CONRAN, Clerk of the Executive Council.
