

CX301*

Working with Children (Criminal Record Checking) Act 2004

Working with Children (Criminal Record Checking) Amendment Regulations (No. 3) 2006

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Working with Children (Criminal Record Checking) Amendment Regulations (No. 3) 2006*.

2. The regulations amended

The amendments in these regulations are to the *Working with Children (Criminal Record Checking) Regulations 2005**.

[* *Published in Gazette 21 December 2005, p. 6189-214.*
For amendments to 24 October 2006 see Gazette 28 February and 1 March 2006.]

3. Regulation 11A inserted

After regulation 11 the following regulation is inserted in Division 1 —

“

11A. Effect of withdrawal of certain applications

(1) In subregulation (2) —

“**application**” means —

- (a) an application by a person for an assessment notice, having been required to make the application by a notice given under section 16(3) or 17(3); or
 - (b) a notice by a person under section 29(2) or 30 that is treated under section 32(1) as an application for an assessment notice; or
 - (c) an application for an assessment notice by a person that is made in accordance with an approval given under regulation 11(1).
- (2) Despite this Part, if an application is withdrawn under section 11(1) and the applicant —
- (a) carries on a child-related business, then for the purposes of section 57(1), section 24(b) applies to the person from when the application is withdrawn; or
 - (b) is employed in child-related employment, then for the purposes of section 58(2), 59(2) or 60(2), sections 22(6) and 24(a) apply to the person from when the application is withdrawn.

”.

4. Regulation 21 amended

(1) After regulation 21(2) the following subregulation is inserted —

“

- (2a) For the purpose of section 57(1), section 24(b) applies to a person who carries on a child-related business referred to in section 6(1)(a)(i) in connection with a child care service of a type referred to in the *Children and Community Services Act 2004* section 198(1)(c) and who —
- (a) carried on a service of that type immediately before the commencement of the *Children and Community Services Act 2004* section 250 but did not hold a licence or permit issued under the *Community Services Act 1972* section 17B relating to the service; and
 - (b) immediately before 1 January 2007 does not hold a licence issued under the *Children and Community Services Act 2004* Part 8 relating to the service,

from the day that is on or after 1 January 2007 on which a licence relating to the service is issued to the person under that Part.

”.

(2) Regulation 21(3) is amended as follows:

(a) in paragraph (b) by deleting “2 years after the day on which the copy was given to the licensee;” and inserting instead —

“

the day that —

- (i) is on or after 1 January 2007; and
- (ii) is 2 years after the day on which the copy was given to the licensee;

or

”;

(b) in paragraph (c) by deleting “the day on which the term of the licence of the licensee expires;” and inserting instead —

“

the day that —

- (i) is on or after 1 January 2007; and
- (ii) is the day on which the term of the licence of the licensee expires;

or

”;

(c) by deleting subparagraph (d)(iv) and inserting instead —

“

- (iv) is the day on which the term of the licence of the licensee expires;

or

”;

(d) in paragraph (e) by deleting “the day on which the term of the licence of the licensee expires; or” and inserting instead —

“

the day that —

- (i) is on or after 1 January 2007; and
- (ii) is the day on which the term of the licence of the licensee expires;

or

”;

(e) by deleting the full stop at the end of paragraph (f) and inserting instead —

“

; or

- (g) in the case of a person who is employed by a person who carries on a child-related business referred to in section 6(1)(a)(i) in connection with a child care service of a type referred to in the *Children and Community Services Act 2004* section 198(1)(c) (the “**employer**”), if the employer —
- (i) carried on a service of that type immediately before the commencement of the *Children and Community Services Act 2004* section 250 but did not hold a licence or permit issued under the *Community Services Act 1972* section 17B relating to the service; and
 - (ii) immediately before 1 January 2007 does not hold a licence issued under the *Children and Community Services Act 2004* Part 8 relating to the service,
- the day that is on or after 1 January 2007 on which a licence relating to the service is issued to the employer under that Part.

”;

- (f) after paragraph (a) by inserting —
- “ or ”.

5. Schedule 1 amended

- (1) After Schedule 1 Division 1 clause 8 the following clause is inserted —

“

8a. Baby sitting or child minding service (s. 6(1)(a)(xiv))

Work —

- (a) referred to in section 6(1)(a)(xiv) in connection with a baby sitting or child minding service; and
- (b) carried out on a voluntary basis by a parent of a child, to whom the service is being provided, in connection with an activity in which the child is participating, or ordinarily participates.

”.

- (2) After Schedule 1 Division 2 clause 12 the following clause is inserted —

“

12a. Child-related work carried out by a police officer (s. 6(1)(a)(iii), (iv), (v), (viii), (x), (xii), (xv), (xvii) or (xviii))

Work referred to in section 6(1)(a)(iii), (iv), (v), (viii), (x), (xii), (xv), (xvii) or (xviii) carried out by a person appointed under the *Police Act 1892* Part I to be a member of the

Police Force of Western Australia in the course of
performing his or her functions as such a member.

”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.