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**COMMUNITY DEVELOPMENT**

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CX301\*

Working with Children (Criminal Record Checking)  
Act 2004

## **Working with Children (Criminal Record Checking) Amendment Regulations (No. 4) 2006**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Working with Children (Criminal Record Checking) Amendment Regulations (No. 4) 2006*.

### **2. Commencement**

These regulations come into operation on 1 January 2007.

### **3. 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 30 November 2006 see Gazette*  
*28 February and 1 March 2006.*]

### **4. Regulation 3 amended**

Regulation 3 is amended by inserting in the appropriate alphabetical position —

“

“**member of the College**” has the meaning given to that term in the *Western Australian College of Teaching Act 2004* section 3(1);

”.

### **5. Regulation 11 amended**

- (1) After regulation 11(1) the following subregulations are inserted —

“

- (1a) Unless otherwise approved, despite subregulation (1)(b), a person carrying out child-related work cannot make an application for an assessment notice sooner than 1 January 2009 if the applicant for the notice is a person registered as a teacher under the

*Western Australian College of Teaching Act 2004*

who —

- (a) carries on a child-related business specified in regulation 23(3) immediately before 1 January 2007; or
  - (b) is employed in child-related employment specified in regulation 23(3) immediately before 1 January 2007.
- (1b) Subregulation (1)(b) does not apply to a person who is provisionally registered as a teacher, holds a limited authority to teach or is an associate member of the College under the *Western Australian College of Teaching Act 2004* carrying out child-related work and who —
- (a) carries on a child-related business specified in regulation 23(3) immediately before 1 January 2007; or
  - (b) is employed in child-related employment specified in regulation 23(3) immediately before 1 January 2007.

- (2) Regulation 11(2) is amended by deleting “Subregulation (1) does” and inserting instead —

“ Subregulations (1) and (1a) do ”.

**6. Regulation 23 inserted**

After regulation 22 the following regulation is inserted —

“

**23. Members of the Western Australian College of Teaching immediately before 1 January 2007 (s. 57(1) and 60(2))**

- (1) For the purpose of section 57(1), section 24(b) applies to a person —
- (a) who is a member of the College immediately before 1 January 2007; and
  - (b) who carries on a child-related business specified in subregulation (3),

from —

- (c) the day on which the person ceases to be a member of the College because his or her registration or provisional registration as a teacher, limited authority to teach or associate membership of the College, as the case may be, under the *Western Australian College of Teaching Act 2004* expires; or
- (d) 1 January 2011,

whichever is the earlier.

- (2) For the purpose of section 60(2), sections 22(6) and 24(a) apply in relation to a person —
- (a) who is a member of the College immediately before 1 January 2007; and
  - (b) who is employed in child-related employment specified in subregulation (3),
- from —
- (c) the day on which the person ceases to be a member of the College because his or her registration or provisional registration as a teacher, limited authority to teach or associate membership of the College, as the case may be, under the *Western Australian College of Teaching Act 2004* expires; or
  - (d) 1 January 2011,
- whichever is the earlier.
- (3) Subregulations (1) and (2) apply in relation to child-related work —
- (a) referred to in section 6(1)(a)(ii) in connection with a community kindergarten registered under the *School Education Act 1999* Part 5; or
  - (b) referred to in section 6(1)(a)(iii) in connection with an educational institution for children; or
  - (c) referred to in section 6(1)(a)(iv) in connection with a coaching or private tuition service of any kind, but not including an informal arrangement entered into for private or domestic purposes; or
  - (d) referred to in section 6(1)(a)(xv) in connection with an overnight camp, regardless of the type of accommodation or how many children are involved, arranged by community kindergarten registered under the *School Education Act 1999* Part 5, an educational institution for children or a service referred to in paragraph (c).

”.

## 7. Schedule 1 amended

Schedule 1 Division 2 clause 13 is deleted.

By Command of the Governor,

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