



Western Australia

National Disability Insurance Scheme (Worker Screening) Act 2020

**National Disability Insurance Scheme (Worker
Screening) Regulations 2021**

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National Disability Insurance Scheme (Worker Screening) Regulations 2021

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National Disability Insurance Scheme (Worker Screening) Regulations 2021

Part 1 — Preliminary

1. Citation

These regulations are the *National Disability Insurance Scheme (Worker Screening) Regulations 2021*.

2. Commencement

These regulations come into operation on the day on which the *National Disability Insurance Scheme (Worker Screening) Act 2020* section 81 comes into operation.

3. Term used: section

In these regulations —
section means a section of the Act.

Part 2 — General

4. Corresponding laws prescribed (s. 5(1))

For the purposes of paragraph (b) of the definition of *corresponding law* in section 5(1), the following laws are corresponding laws for the purposes of the Act —

- (a) the *Disability Inclusion Act 2018* (South Australia);
- (b) the *Disability Services Act 2006* (Queensland);
- (c) the *National Disability Insurance Scheme (Worker Checks) Act 2018* (New South Wales);
- (d) the *National Disability Insurance Scheme (Worker Clearance) Act 2020* (Northern Territory);
- (e) the *Registration to Work with Vulnerable People Act 2013* (Tasmania);
- (f) the *Worker Screening Act 2020* (Victoria);
- (g) the *Working with Vulnerable People (Background Checking) Act 2011* (Australian Capital Territory).

5. Criminal records agency prescribed (s. 5(1))

For the purposes of paragraph (d)(ii) of the definition of *criminal records agency* in section 5(1), the Australian Crime Commission established under the *Australian Crime Commission Act 2002* (Commonwealth) section 7 is a criminal records agency.

6. Work excluded from definition of NDIS work (s. 5(1))

- (1) For the purposes of paragraph (c) of the definition of *NDIS work* in section 5(1), NDIS work does not include work that is carried out —
 - (a) by a secondary school student on a formal work experience placement with a registered NDIS provider; and

- (b) in circumstances where the secondary school student is directly supervised by a suitable person.
- (2) For the purposes of subregulation (1)(b), a person is a ***suitable person*** if the person is employed or otherwise engaged by the registered NDIS provider referred to in subregulation (1)(a) and either —
 - (a) the person is the holder of an NDIS worker check clearance certificate that is not suspended; or
 - (b) under Part 6, section 68(1) does not apply to the person in relation to starting or continuing to be employed or otherwise engaged by the registered NDIS provider in NDIS work which involves (wholly or in part) a risk assessed role.

7. Public authority prescribed (s. 5(1))

For the purposes of paragraph (d) of the definition of ***public authority*** in section 5(1), the Aged Care Quality and Safety Commission established under the *Aged Care Quality and Safety Commission Act 2018* (Commonwealth) section 11 is a public authority.

8. Class 1 offences and Class 2 offences (s. 6)

- (1) For the purposes of section 6(1)(c), an offence against a provision listed in Schedule 1 is a Class 1 offence (if the offence complies with any condition specified in that Schedule).
- (2) For the purposes of section 6(2)(c), an offence against a provision listed in Schedule 2 is a Class 2 offence (if the offence complies with any condition specified in that Schedule).
- (3) For the purposes of Schedule 1 or 2, an offence falls within the ambit of this subregulation if —
 - (a) the victim of the offence is a child who has reached 14 years of age; and

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- (b) the age difference between the victim and the offender does not exceed 5 years.

Part 3 — Information gathering and sharing

**9. Laws prescribed for applicable disclosure purposes
(s. 34(5)(c))**

For the purposes of section 34(5)(c), the following laws are prescribed —

- (a) the *Disability Act 2006* (Victoria);
- (b) the *Disability Services Act 1993* (South Australia);
- (c) the *Disability Services Act 2006* (Queensland);
- (d) the *Disability Service Safeguards Act 2018* (Victoria);
- (e) the *Working with Vulnerable People (Background Checking) Act 2011* (Australian Capital Territory).

**10. Public authorities prescribed for provision of information
(s. 43(1))**

For the purposes of section 43(1), the following public authorities are prescribed —

- (a) the department of the Public Service principally assisting in the administration of the *Children and Community Services Act 2004*;
- (b) the department of the Public Service principally assisting in the administration of the *Transport (Road Passenger Services) Act 2018*;
- (c) the department of the Public Service principally assisting in the administration of the *Police Act 1892*;
- (d) the Australian Health Practitioner Regulation Agency established under the *Health Practitioner Regulation National Law (Western Australia)* section 23;
- (e) the Aged Care Quality and Safety Commission established under the *Aged Care Quality and Safety Commission Act 2018* (Commonwealth) section 11.

11. Authority for disclosure of information prescribed (s. 44(1))

For the purposes of paragraph (c) of the definition of *prescribed authority* in section 44(1), each of the following is a prescribed authority —

- (a) the CEO as defined in the *Care and Protection of Children Act 2007* (Northern Territory) section 13;
- (b) the Chief Executive as defined in the *Children and Young People (Safety) Act 2017* (South Australia) section 16(1);
- (c) the Adult Safeguarding Unit established in accordance with the *Ageing and Adult Safeguarding Act 1995* (South Australia) section 13;
- (d) the Secretary as defined in the *Children, Youth and Families Act 2005* (Victoria) section 3(1);
- (e) the director-general referred to in the *Children and Young People Act 2008* (Australian Capital Territory) section 22 and as defined in the *Legislation Act 2001* (Australian Capital Territory) section 163;
- (f) the director-general referred to in the *Disability Services Act 1991* (Australian Capital Territory) section 8F and as defined in the *Legislation Act 2001* (Australian Capital Territory) section 163;
- (g) the Secretary as defined in the *Children and Young Persons (Care and Protection) Act 1998* (New South Wales) section 3(1);
- (h) the chief executive referred to in the *Child Protection Act 1999* (Queensland) section 7(1) and as defined in the *Acts Interpretation Act 1954* (Queensland) section 33(11);
- (i) the chief executive referred to in the *Disability Services Act 2006* (Queensland) section 40 and as defined in the *Acts Interpretation Act 1954* (Queensland) section 33(11);

- (j) the Secretary as defined in the *Children, Young Persons and Their Families Act 1997* (Tasmania) section 3(1).

Part 4 — Authorised officers and enforcement

12. Information required for application for entry warrant (s. 64(2))

For the purposes of section 64(2)(a), an application for an entry warrant must include the following information —

- (a) the applicant's full name and official details;
- (b) the place in relation to which the warrant is being sought;
- (c) the suspected offence that is being investigated;
- (d) the grounds on which the applicant considers that entry to the place is necessary;
- (e) the time period for which the warrant is required;
- (f) a statement to the best of the applicant's knowledge about whether an application for an entry warrant for the same place has been made under section 64(1) within the previous 72 hours and, if so, whether or not a warrant was issued.

13. Form of entry warrant (s. 65(3))

For the purposes of section 65(3), an entry warrant must be in the form set out in Schedule 3.

Part 5 — Fees

14. Prescribed fees

(1) In this regulation —

Centrelink means the program known as Centrelink delivered by Services Australia;

concessional applicant means an applicant who —

(a) holds 1 or more of the following cards issued by Centrelink —

- (i) a health care card;
- (ii) a low income health care card;
- (iii) a pensioner concession card;
- (iv) a Commonwealth seniors health card;

or

(b) holds any other card issued by Centrelink or the Department of Veterans' Affairs that certifies entitlement to Commonwealth health concessions;

Department of Veterans' Affairs means the department of State of the Commonwealth assisting in the administration of the *Veterans' Entitlements Act 1986* (Commonwealth);

Services Australia means the Commonwealth agency known as Services Australia.

(2) For the purposes of section 10(3)(b), the fee for an application for an NDIS worker check clearance is —

(a) if the applicant is, or is to be, remunerated for any of the NDIS work that the person is, or is proposed to be, engaged in (including as a self-employed person or as a contractor or subcontractor) —

- (i) if the applicant is a concessional applicant — \$80; or
- (ii) otherwise — \$145;

or

- (b) if paragraph (a) does not apply — \$11.
- (3) For the purposes of section 28(5)(b), the fee for an application for the cancellation of an NDIS worker check exclusion certificate is \$145.
 - (4) For the purposes of section 46(2)(b), the fee for an application for an internal review of a designated decision is as follows —
 - (a) if the decision is imposing an interim bar under section 13 — \$14.50;
 - (b) if the decision is refusing to grant an NDIS worker check clearance under section 15 — \$36.25;
 - (c) if the decision is suspending an NDIS worker check clearance certificate under section 24 — \$14.50;
 - (d) if the decision is cancelling an NDIS worker check clearance certificate under section 25(1) — \$36.25;
 - (e) if the decision is refusing to cancel an NDIS worker check exclusion certificate under section 28 — \$36.25.
 - (5) For the purposes of section 47(2)(b), the fee for an application for an extension of time for making an application for an internal review is \$14.50.
 - (6) The CEO may reduce, waive or refund, in whole or in part, a fee referred to in subregulations (2) to (5) in a particular case if the CEO considers it appropriate to do so in the circumstances of the case.

Part 6 — Transitional regulations

15. Terms used

In this Part —

commencement day means the day on which the *National Disability Insurance Scheme (Worker Screening) Act 2020* (other than Part 1 and section 23) comes into operation;

Commonwealth Rules means the *National Disability Insurance Scheme (Practice Standards—Worker Screening) Rules 2018* (Commonwealth) as in force from time to time.

16. Section 68(1) does not apply in certain circumstances

- (1) Section 68(1) does not apply to a person in relation to starting or continuing to be employed or otherwise engaged by a registered NDIS provider in NDIS work which involves (wholly or in part) a risk assessed role (**NDIS work in a risk assessed role**) if —
 - (a) the person had been employed or otherwise engaged by the registered NDIS provider in NDIS work in a risk assessed role on a day (**engagement day**) before commencement day; and
 - (b) the person has been continuously employed or otherwise engaged by the registered NDIS provider in NDIS work in a risk assessed role since engagement day; and
 - (c) at the time the person starts or continues to be employed or otherwise engaged by the registered NDIS provider in NDIS work in a risk assessed role, the person has an acceptable WA check under the Commonwealth Rules section 29A.
- (2) Subregulation (1) ceases to have effect at the beginning of 1 February 2023.
- (3) Section 68(1) does not apply to a person in relation to starting or continuing to be employed or otherwise engaged by a registered

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NDIS provider in NDIS work which involves (wholly or in part) a risk assessed role if —

- (a) under the Commonwealth Rules section 29B(1), section 29B of those rules applies to the registered NDIS provider at the time the person starts or continues to be employed or otherwise engaged by the registered NDIS provider in the NDIS work; and
 - (b) the person has an acceptable aged care provider check under the Commonwealth Rules section 29B.
- (4) Subregulation (3) ceases to have effect at the end of 1 February 2024.

17. Exceptions to r. 16

- (1) Regulation 16(1) does not apply to a person if —
- (a) the national police check used for the purposes of the person's acceptable WA check under the Commonwealth Rules section 29A (the **relevant national police check**) includes a pending charge for a Class 1 offence or a Class 2 offence, in each case alleged to have been committed by the person when an adult; or
 - (b) the person is, on or after the day on which the relevant national police check was issued, charged with or convicted of a Class 1 offence or a Class 2 offence.
- (2) Subregulation (3) applies to a person (the **relevant person**) if the CEO —
- (a) is in possession of information that applies under section 18(3); and
 - (b) considers that there may be an unacceptable risk that the relevant person may cause harm to people with disability in the course of carrying out NDIS work; and
 - (c) has given written notice to the relevant person and to each registered NDIS provider that, to the knowledge of

the CEO, employs or engages the relevant person that on and after a date (the *relevant date*) specified in the notice (being the date that is 5 days after the date of the notice) section 68(1) applies to the relevant person.

- (3) On and after the relevant date, regulation 16 does not apply to the relevant person.
- (4) Regulation 16 does not apply to a person if the person has applied for an NDIS worker check clearance under the Act or any corresponding law (whether or not the application has been, or is taken to have been, withdrawn under section 16).

Schedule 1 — Class 1 offences

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Provision	Description of offence	Condition
Offences under <i>The Criminal Code</i> set out in the Schedule to the <i>Criminal Code Act 1995</i> (Commonwealth)		
s. 71.2(1)	Murder of a UN or associated person	
s. 71.4(1)	Intentionally causing serious harm to a UN or associated person	The victim is a child or a vulnerable person
s. 71.5(1)	Recklessly causing serious harm to a UN or associated person	The victim is a child or a vulnerable person
s. 71.8(1)	Unlawful sexual penetration of a UN or associated person	The victim is a child or a vulnerable person
s. 71.9(1)	Kidnapping a UN or associated person	The victim is a child or a vulnerable person, other than where the victim is a child and the offender is a family member of the child
s. 71.10(1)	Unlawful detention of UN or associated person	The victim is a child or a vulnerable person, other than where the victim is a child and the offender is a family member of the child
s. 73.2(1)	Aggravated offence of people smuggling (danger of death or serious harm)	The victim is a child or a vulnerable person
s. 73.3(1)	Aggravated offence of people smuggling, of at least 5 people	At least 1 of the victims is a child or a vulnerable person

Provision	Description of offence	Condition
s. 73.3A(1)	Supporting the offence of people smuggling	The conduct constituting the offence of people smuggling relates, or would relate, to at least 1 person who is a child or a vulnerable person
s. 115.1(1)	Murder of an Australian citizen or a resident of Australia	
s. 115.3(1)	Intentionally causing serious harm to an Australian citizen or a resident of Australia	The victim is a child or a vulnerable person
s. 268.3	Genocide by killing	
s. 268.4(1)	Genocide by causing serious bodily or mental harm	At least 1 of the persons to whom serious bodily or mental harm is caused is a child or a vulnerable person
s. 268.5(1)	Genocide by deliberately inflicting conditions of life calculated to bring about physical destruction	
s. 268.6	Genocide by imposing measures intended to prevent births	
s. 268.7(1)	Genocide by forcibly transferring children	
s. 268.8	Crime against humanity — murder	
s. 268.9(1)	Crime against humanity — extermination	

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Schedule 1 Class 1 offences

Provision	Description of offence	Condition
s. 268.10(1)	Crime against humanity — enslavement	At least 1 of the persons over whom any or all of the powers attaching to the right of ownership is exercised is a child or a vulnerable person
s. 268.13	Crime against humanity — torture	At least 1 of the persons upon whom severe physical or mental pain or suffering is inflicted is a child or a vulnerable person
s. 268.14(1) or (2)	Crime against humanity — rape	The person who is sexually penetrated is a child or a vulnerable person
s. 268.15(1)	Crime against humanity — sexual slavery	The person who the perpetrator causes to enter into or remain in sexual slavery is a child or a vulnerable person
s. 268.16(1)	Crime against humanity — enforced prostitution	At least 1 of the persons who the perpetrator causes to engage in an act of a sexual nature is a child or a vulnerable person
s. 268.19(1)	Crime against humanity — sexual violence	At least 1 of the persons against whom the act of a sexual nature is committed, or whom the perpetrator causes to engage in an act of a sexual nature, is a child or a vulnerable person
s. 268.21(1) or (2)	Crime against humanity — enforced disappearance of persons	At least 1 of the persons who are arrested, detained or abducted is a child or a vulnerable person
s. 268.24(1)	War crime — wilful killing	

Provision	Description of offence	Condition
s. 268.25(1)	War crime — torture	At least 1 of the victims is a child or a vulnerable person
s. 268.26(1)	War crime — inhumane treatment	At least 1 of the victims is a child or a vulnerable person
s. 268.27(1)	War crime — biological experiments	At least 1 of the victims is a child or a vulnerable person
s. 268.28(1)	War crime — wilfully causing great suffering	At least 1 of the victims is a child or a vulnerable person
s. 268.38(1)	War crime — excessive incidental death, injury or damage	The offence causes death
s. 268.40(1)	War crime — killing a person who is <i>hors de combat</i>	
s. 268.40(2)	War crime — injuring a person who is <i>hors de combat</i>	At least 1 of the victims is a child or a vulnerable person
s. 268.41	War crime — improper use of a flag of truce	The perpetrator's conduct results in death
s. 268.42	War crime — improper use of a flag, insignia or uniform of the adverse party	The perpetrator's conduct results in death
s. 268.43	War crime — improper use of a flag, insignia or uniform of the United Nations	The perpetrator's conduct results in death
s. 268.44(1)	War crime — improper use of the distinctive emblems of the Geneva Conventions	The perpetrator's conduct results in death
s. 268.47(1)	War crime — mutilation causing death	

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Schedule 1 Class 1 offences

Provision	Description of offence	Condition
s. 268.47(2)	War crime — mutilation	At least 1 of the victims is a child or a vulnerable person
s. 268.48(1)	War crime — medical or scientific experiment causing death	
s. 268.48(2)	War crime — medical or scientific experiments	At least 1 of the victims is a child or a vulnerable person
s. 268.49(1)	War crime — treacherously killing	
s. 268.50	War crime — denying quarter	The offence causes death
s. 268.55	War crime — employing poison or poisoned weapons	The offence causes death
s. 268.56	War crime — employing prohibited gases, liquids, materials or devices	The offence causes death
s. 268.59(1) or (2)	War crime — rape	The victim is a child or a vulnerable person
s. 268.60(1)	War crime — sexual slavery	The victim is a child or a vulnerable person
s. 268.61(1)	War crime — enforced prostitution	At least 1 of the victims is a child or a vulnerable person
s. 268.64(1)	War crime — sexual violence	At least 1 of the victims is a child or a vulnerable person
s. 268.65(1)	War crime — using protected persons as shields	The conduct results in the death of any of the persons referred to in paragraph (a) of the provision
s. 268.70(1)	War crime — murder	
s. 268.71(1)	War crime — mutilation causing death	

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Class 1 offences **Schedule 1**

Provision	Description of offence	Condition
s. 268.71(2)	War crime — mutilation	At least 1 of the victims is a child or a vulnerable person
s. 268.73(1)	War crime — torture	At least 1 of the victims is a child or a vulnerable person
s. 268.76(2)	War crime — execution without due process	
s. 268.82(1) or (2)	War crime — rape	The victim is a child or a vulnerable person
s. 268.83(1)	War crime — sexual slavery	The victim is a child or a vulnerable person
s. 268.84(1)	War crime — enforced prostitution	At least 1 of the victims is a child or a vulnerable person
s. 268.87(1)	War crime — sexual violence	At least 1 of the victims is a child or a vulnerable person
s. 268.90(1)	War crime — treacherously killing	
s. 268.91	War crime — denying quarter	The offence causes death
s. 268.92(1)	War crime — mutilation causing death	
s. 268.92(2)	War crime — mutilation	At least 1 of the victims is a child or a vulnerable person
s. 268.93(1)	War crime — medical or scientific experiment causing death	
s. 268.93(2)	War crime — medical or scientific experiment	At least 1 of the victims is a child or a vulnerable person

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Schedule 1 Class 1 offences

Provision	Description of offence	Condition
s. 268.97	War crime — attack against works or installations containing dangerous forces resulting in excessive loss of life or injury to civilians	The attack results in death
s. 268.98	War crime — attacking undefended places or demilitarized zones	The attack results in death
s. 270.3(1) or (2)	Slavery offences	The victim is a child or a vulnerable person
s. 270.5(1)	Causing a person to enter into or remain in servitude	The victim is a child or a vulnerable person
s. 270.5(2)	Conducting a business involving servitude	At least 1 of the victims is a child or a vulnerable person
s. 270.6A(1)	Causing a person to enter into or remain in forced labour	The victim is a child or a vulnerable person
s. 270.6A(2)	Conducting a business involving forced labour	At least 1 of the victims is a child or a vulnerable person
s. 270.7	Deceptive recruiting for labour or services	The victim is a child or a vulnerable person
s. 270.7B(1) or (2)	Forced marriage offences	The victim is a child or a vulnerable person
s. 270.7C	Debt bondage	The victim is a child or a vulnerable person
s. 271.2(1), (1A), (1B), (1C), (2), (2A), (2B) or (2C)	Trafficking in persons	The victim is a child or a vulnerable person
s. 271.3(1)	Trafficking in persons — aggravated offence	The victim is a child or a vulnerable person

Provision	Description of offence	Condition
s. 271.4(1) or (2)	Trafficking in children	
s. 271.5(1), (2), (2A) or (2B)	Domestic trafficking in persons	The victim is a child or a vulnerable person
s. 271.6(1)	Domestic trafficking in persons — aggravated offence	The victim is a child or a vulnerable person
s. 271.7	Domestic trafficking in children	
s. 271.7B(1) or (2)	Organ trafficking — entry into and exit from Australia	The victim is a child or a vulnerable person
s. 271.7C(1)	Organ trafficking — aggravated offence	The victim is a child or a vulnerable person
s. 271.7D	Domestic organ trafficking	The victim is a child or a vulnerable person
s. 271.7E(1)	Domestic organ trafficking — aggravated offence	The victim is a child or a vulnerable person
s. 272.8(1) or (2)	Sexual intercourse with child outside Australia	The offence does not fall within the ambit of regulation 8(3)
s. 272.9(1) or (2)	Sexual activity (other than sexual intercourse) with child outside Australia	The offence does not fall within the ambit of regulation 8(3)
s. 272.10(1)	Aggravated offence — sexual intercourse or other sexual activity with child outside Australia	
s. 272.11(1)	Persistent sexual abuse of child outside Australia	

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Schedule 1 Class 1 offences

Provision	Description of offence	Condition
s. 272.12(1) or (2)	Sexual intercourse with young person outside Australia — defendant in position of trust or authority	
s. 272.13(1) or (2)	Sexual activity (other than sexual intercourse) with young person outside Australia — defendant in position of trust or authority	
s. 272.14(1)	Procuring child to engage in sexual activity outside Australia	
s. 272.15(1)	“Grooming” child to engage in sexual activity outside Australia	
s. 272.15A(1)	“Grooming” person to make it easier to engage in sexual activity with a child outside Australia	
s. 272.18(1)	Benefitting from child sex offence outside Australia	
s. 272.19(1)	Encouraging child sex offence outside Australia	
s. 272.20(1) or (2)	Preparing for or planning child sex offence outside Australia	
s. 273.6(1)	Possessing, controlling, producing, distributing or obtaining child abuse material outside Australia	

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Class 1 offences **Schedule 1**

Provision	Description of offence	Condition
s. 273.7(1)	Aggravated offence — offence against s. 273.6 involving conduct on 3 or more occasions and 2 or more people	
s. 273A.1	Possession of child-like sex doll or other child-like sex object intended to be used to simulate sexual intercourse	
s. 274.2(1) or (2)	Torture	The victim is a child or a vulnerable person
s. 471.19(1) or (2)	Using a postal or similar service for child abuse material	
s. 471.20(1)	Possessing, controlling, producing, supplying or obtaining child abuse material for use through a postal or similar service	
s. 471.22(1)	Aggravated offence — offence against s. 471.19 or 471.20 involving conduct on 3 or more occasions and 2 or more people	
s. 471.24(1), (2) or (3)	Using a postal or similar service to procure persons under 16	
s. 471.25(1), (2) or (3)	Using a postal or similar service to “groom” persons under 16	

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Schedule 1 Class 1 offences

Provision	Description of offence	Condition
s. 471.25A(1), (2) or (3)	Using a postal or similar service to “groom” another person to make it easier to procure persons under 16	
s. 471.26(1)	Using a postal or similar service to send indecent material to person under 16	
s. 474.22(1)	Using a carriage service for child abuse material	
s. 474.22A(1)	Possessing or controlling child abuse material obtained or accessed using a carriage service	The offence does not fall within the ambit of regulation 8(3)
s. 474.23(1)	Possessing, controlling, producing, supplying or obtaining child abuse material for use through a carriage service	
s. 474.23A(1)	Conduct for the purposes of electronic service used for child abuse material	
s. 474.24A(1)	Aggravated offence — offence against s. 474.22, 474.22A or 474.23 involving conduct on 3 or more occasions and 2 or more people	
s. 474.25A(1)	Engaging in sexual activity with child using a carriage service	The offence does not fall within the ambit of regulation 8(3)
s. 474.25A(2)	Causing child to engage in sexual activity using a carriage service	

Provision	Description of offence	Condition
s. 474.25B(1)	Aggravated offence — using a carriage service for sexual activity with person under 16 years of age	
s. 474.25C	Using a carriage service to prepare or plan to cause harm to, engage in sexual activity with, or procure for sexual activity, persons under 16	
s. 474.26(1), (2) or (3)	Using a carriage service to procure persons under 16 years of age	
s. 474.27(1), (2) or (3)	Using a carriage service to “groom” persons under 16 years of age	
s. 474.27AA(1), (2) or (3)	Using a carriage service to “groom” another person to make it easier to procure persons under 16 years of age	
s. 474.27A(1)	Using a carriage service to transmit indecent communication to person under 16 years of age	The offence does not fall within the ambit of regulation 8(3)
Offences under the <i>Crimes (Internationally Protected Persons) Act 1976</i> (Commonwealth)		
s. 8(1)	Murder or kidnap of an internationally protected person	The victim is murdered or The victim is kidnapped, but not murdered, and the victim is a child or a vulnerable person, other than where the victim is a

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Schedule 1 Class 1 offences

Provision	Description of offence	Condition
s. 8(2)	Attacking an internationally protected person	child and the offender is a family member of the child The attack causes death or The attack causes grievous bodily harm, but not death, and the victim is a child or a vulnerable person
Offences under the <i>Customs Act 1901</i> (Commonwealth)		
s. 233BAB(5) or (6)	Special offence relating to tier 2 goods	The offence involves goods that are items of child abuse material

Schedule 2 — Class 2 offences

[r. 8]

Provision	Description of offence	Condition
Offences under <i>The Criminal Code</i> set out in the Schedule to the <i>Criminal Code Act 1995</i> (Commonwealth)		
s. 71.3(1)	Manslaughter of a UN or associated person	
s. 71.4(1)	Intentionally causing serious harm to a UN or associated person	The victim is a person other than a child or a vulnerable person
s. 71.5(1)	Recklessly causing serious harm to a UN or associated person	The victim is a person other than a child or a vulnerable person
s. 71.8(1)	Unlawful sexual penetration of a UN or associated person	The victim is a person other than a child or a vulnerable person
s. 71.9(1)	Kidnapping a UN or associated person	The victim is a person other than a child or a vulnerable person or The victim is a child and the offender is a family member of the child
s. 71.10(1)	Unlawful detention of UN or associated person	The victim is a person other than a child or a vulnerable person or The victim is a child and the offender is a family member of the child
s. 73.2(1)	Aggravated offence of people smuggling (danger of death or serious harm)	The victim is a person other than a child or a vulnerable person

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Provision	Description of offence	Condition
s. 73.3(1)	Aggravated offence of people smuggling, of at least 5 people	Each of the victims is a person other than a child or a vulnerable person
s. 73.3A(1)	Supporting the offence of people smuggling	None of the persons to whom the conduct constituting the offence of people smuggling relates, or would relate, is a child or a vulnerable person
s. 73.8	Making, providing or possessing a false travel or identity document	The offence affects or involves a child or a vulnerable person
s. 73.9(1)	Providing or possessing a travel or identity document issued or altered dishonestly or as a result of threats	The offence affects or involves a child or a vulnerable person
s. 73.10	Providing or possessing a travel or identity document to be used by a person who is not the rightful user	The offence affects or involves a child or a vulnerable person
s. 80.1(1) or (2)	Treason	
s. 80.1AA(1)	Treason — assisting enemy to engage in armed conflict	
s. 80.1AC	Treachery	
s. 80.2(1) or (3), as in force on and after 25 November 2010	Urging the overthrow of the Constitution or Government by force or violence or urging interference in Parliamentary elections or constitutional referenda by force or violence	

Provision	Description of offence	Condition
s. 80.2(1), (3), (7) or (8), as in force before 25 November 2010	Sedition	
s. 80.2(5) as in force before 22 December 2010	Sedition	
s. 80.2A(1) or (2)	Urging violence against groups	
s. 80.2B(1) or (2)	Urging violence against members of groups	
s. 80.2C(1)	Advocating terrorism	
s. 80.2D(1)	Advocating genocide	
s. 82.3(1)	Sabotage involving foreign principal with intention as to national security	
s. 82.4(1)	Sabotage involving foreign principal reckless as to national security	
s. 82.5(1)	Sabotage with intention as to national security	
s. 82.6(1)	Sabotage reckless as to national security	
s. 82.7	Introducing vulnerability with intention as to national security	
s. 82.8	Introducing vulnerability reckless as to national security	

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Schedule 2 Class 2 offences

Provision	Description of offence	Condition
s. 82.9(1)	Preparing for or planning sabotage offence	
s. 83.1(1)	Advocating mutiny	
s. 83.2(1)	Assisting prisoners of war to escape	
s. 83.3(1)	Military-style training involving foreign government principal	
s. 91.1(1) or (2)	Espionage — dealing with information concerning national security which is or will be communicated or made available to foreign principal	
s. 91.2(1) or (2)	Espionage — dealing with information which is or will be communicated or made available to foreign principal	
s. 91.3(1)	Espionage — security classified information	
s. 91.6(1)	Aggravated espionage offence	
s. 91.8(1), (2) or (3)	Espionage on behalf of foreign principal	
s. 91.11(1)	Soliciting or procuring an espionage offence or making it easier to do so	
s. 91.12(1)	Preparing for an espionage offence	
s. 92.2(1) or (2)	Intentional foreign interference	

Provision	Description of offence	Condition
s. 92.3(1) or (2)	Reckless foreign interference	
s. 92.4(1)	Preparing for a foreign interference offence	
s. 92.7	Knowingly supporting foreign intelligence agency	
s. 92.8	Recklessly supporting foreign intelligence agency	
s. 92.9	Knowingly funding or being funded by foreign intelligence agency	
s. 92.10	Recklessly funding or being funded by foreign intelligence agency	
s. 92A.1(1)	Theft of trade secrets involving foreign government principal	
s. 101.1(1)	Terrorist acts	
s. 101.2(1) or (2)	Providing or receiving training connected with terrorist acts	
s. 101.4(1) or (2)	Possessing things connected with terrorist acts	
s. 101.5(1) or (2)	Collecting or making documents likely to facilitate terrorist acts	
s. 101.6(1)	Other acts done in preparation for, or planning, terrorist acts	
s. 102.2(1) or (2)	Directing the activities of a terrorist organisation	

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Provision	Description of offence	Condition
s. 102.3(1)	Membership of a terrorist organisation	
s. 102.4(1) or (2)	Recruiting for a terrorist organisation	
s. 102.5(1) or (2)	Training involving a terrorist organisation	
s. 102.6(1) or (2)	Getting funds to, from or for a terrorist organisation	
s. 102.7(1) or (2)	Providing support to a terrorist organisation	
s. 102.8(1) or (2)	Associating with terrorist organisations	
s. 103.1(1)	Financing terrorism	
s. 103.2(1)	Financing a terrorist	
s. 115.2(1)	Manslaughter of an Australian citizen or a resident of Australia	
s. 115.3(1)	Intentionally causing serious harm to an Australian citizen or a resident of Australia	The victim is a person other than a child or a vulnerable person
s. 115.4(1)	Recklessly causing serious harm to an Australian citizen or a resident of Australia	
s. 119.1(1)	Entering foreign countries with the intention of engaging in hostile activities	
s. 119.1(2)	Engaging in a hostile activity in a foreign country	

Provision	Description of offence	Condition
s. 119.4(1), (2), (3), (4) or (5)	Preparations for incursions into foreign countries for purpose of engaging in hostile activities	
s. 122.1(1), (2), (3) or (4)	Communication and other dealings with inherently harmful information by current and former Commonwealth officers	
s. 122.2(1), (2), (3) or (4)	Conduct by current and former Commonwealth officers causing harm to Australia's interests	
s. 122.3(1)	Aggravated offence against s. 122.1 or 122.2	
s. 122.4(1)	Unauthorised disclosure of information by current and former Commonwealth officers	
s. 142.2(1) or (2)	Abuse of public office	The offender intends to dishonestly cause a detriment to another person and the other person is a child or a vulnerable person
s. 144.1(1), (3), (5) or (7)	Forgery	The offence affects or involves a child or a vulnerable person
s. 145.1(1), (3), (5) or (7)	Using forged document	The offence affects or involves a child or a vulnerable person
s. 145.2(1), (3), (5) or (7)	Possession of forged document	The offence affects or involves a child or a vulnerable person
s. 145.4(1)	Falsification of documents	The offence affects or involves a child or a vulnerable person

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Provision	Description of offence	Condition
s. 145.5(1)	Giving information derived from false or misleading documents	The offence affects or involves a child or a vulnerable person
s. 148.1(1) or (3)	Impersonation of an official by a non- official	The offence affects or involves a child or a vulnerable person
s. 148.2(1) or (3)	Impersonation of an official by another official	The offence affects or involves a child or a vulnerable person
s. 268.4(1)	Genocide by causing serious bodily or mental harm	Each person to whom serious bodily or mental harm is caused is a person other than a child or a vulnerable person
s. 268.10(1)	Crime against humanity — enslavement	Each person over whom any or all of the powers attaching to the right of ownership is exercised is a person other than a child or a vulnerable person
s. 268.11(1)	Crime against humanity — deportation or forcible transfer of population	
s. 268.12(1)	Crime against humanity — imprisonment or other severe deprivation of physical liberty	
s. 268.13	Crime against humanity — torture	Each person upon whom severe physical or mental pain or suffering is inflicted is a person other than a child or a vulnerable person
s. 268.14(1) or (2)	Crime against humanity — rape	The person who is sexually penetrated is a person other than a child or a vulnerable person

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Provision	Description of offence	Condition
s. 268.15(1)	Crime against humanity — sexual slavery	The person who the perpetrator causes to enter into or remain in sexual slavery is a person other than a child or a vulnerable person
s. 268.16(1)	Crime against humanity — enforced prostitution	Each person who the perpetrator causes to engage in an act of a sexual nature is a person other than a child or a vulnerable person
s. 268.17(1)	Crime against humanity — forced pregnancy	
s. 268.18(1)	Crime against humanity — enforced sterilisation	
s. 268.19(1)	Crime against humanity — sexual violence	Each person against whom the perpetrator commits an act of a sexual nature, or whom the perpetrator causes to engage in an act of a sexual nature, is a person other than a child or a vulnerable person
s. 268.20(1)	Crime against humanity — persecution	
s. 268.21(1) or (2)	Crime against humanity — enforced disappearance of persons	Each person who is arrested, detained or abducted is a person other than a child or a vulnerable person
s. 268.22	Crime against humanity — apartheid	
s. 268.23	Crime against humanity — other inhumane act	
s. 268.25(1)	War crime — torture	Each victim is a person other than a child or a vulnerable person

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Provision	Description of offence	Condition
s. 268.26(1)	War crime — inhumane treatment	Each victim is a person other than a child or a vulnerable person
s. 268.27(1)	War crime — biological experiments	Each victim is a person other than a child or a vulnerable person
s. 268.28(1)	War crime — wilfully causing great suffering	Each victim is a person other than a child or a vulnerable person
s. 268.29(1)	War crime — destruction and appropriation of property	
s. 268.30(1)	War crime — compelling service in hostile forces	
s. 268.31(1)	War crime — denying a fair trial	
s. 268.32(1)	War crime — unlawful deportation or transfer	
s. 268.33(1)	War crime — unlawful confinement	
s. 268.34(1)	War crime — taking hostages	
s. 268.35	War crime — attacking civilians	
s. 268.36	War crime — attacking civilian objects	
s. 268.37(1) or (2)	War crime — attacking personnel or objects involved in a humanitarian assistance or peacekeeping mission	

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Provision	Description of offence	Condition
s. 268.38(1)	War crime — excessive incidental death, injury or damage	The offence does not cause death
s. 268.39	War crime — attacking undefended places	
s. 268.40(2)	War crime — injuring a person who is <i>hors de combat</i>	Each victim is a person other than a child or a vulnerable person
s. 268.41	War crime — improper use of a flag of truce	The perpetrator's conduct does not result in death
s. 268.42	War crime — improper use of a flag, insignia or uniform of the adverse party	The perpetrator's conduct does not result in death
s. 268.43	War crime — improper use of a flag, insignia or uniform of the United Nations	The perpetrator's conduct does not result in death
s. 268.44(1)	War crime — improper use of the distinctive emblems of the Geneva Conventions	The perpetrator's conduct does not result in death
s. 268.45	War crime — transfer of population	
s. 268.46(1)	War crime — attacking protected objects	
s. 268.47(2)	War crime — mutilation	Each victim is a person other than a child or a vulnerable person
s. 268.48(2)	War crime — medical or scientific experiments	Each victim is a person other than a child or a vulnerable person
s. 268.49(2)	War crime — treacherously injuring	

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Provision	Description of offence	Condition
s. 268.50	War crime — denying quarter	The offence does not cause death
s. 268.51(1)	War crime — destroying or seizing the enemy's property	
s. 268.52	War crime — depriving nationals of the adverse power of rights or actions	
s. 268.53(1)	War crime — compelling participation in military operations	
s. 268.54	War crime — pillaging	
s. 268.55	War crime — employing poison or poisoned weapons	The offence does not cause death
s. 268.56	War crime — employing prohibited gases, liquids, materials or devices	The offence does not cause death
s. 268.57(1)	War crime — employing prohibited bullets	
s. 268.58(1) or (2)	War crime — outrages upon personal dignity	
s. 268.59(1) or (2)	War crime — rape	The victim is a person other than a child or a vulnerable person
s. 268.60(1)	War crime — sexual slavery	The victim is a person other than a child or a vulnerable person
s. 268.61(1)	War crime — enforced prostitution	Each victim is a person other than a child or a vulnerable person
s. 268.62(1)	War crime — forced pregnancy	

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Provision	Description of offence	Condition
s. 268.63(1)	War crime — enforced sterilisation	
s. 268.64(1)	War crime — sexual violence	Each victim is a person other than a child or a vulnerable person
s. 268.65(1)	War crime — using protected persons as shields	The conduct does not result in the death of any of the persons referred to in paragraph (a) of the provision
s. 268.66(1) or (2)	War crime — attacking persons or objects using the distinctive emblems of the Geneva Conventions	
s. 268.67(1)	War crime — starvation as a method of warfare	
s. 268.68(1), (2), (3), (4), (5) or (6)	War crime — using, conscripting or enlisting children	
s. 268.71(2)	War crime — mutilation	Each victim is a person other than a child or a vulnerable person
s. 268.72(1)	War crime — cruel treatment	
s. 268.73(1)	War crime — torture	Each victim is a person other than a child or a vulnerable person
s. 268.74(1)	War crime — outrages upon personal dignity	
s. 268.75(1)	War crime — taking hostages	
s. 268.76(1)	War crime — sentencing without due process	

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Schedule 2 Class 2 offences

Provision	Description of offence	Condition
s. 268.77	War crime — attacking civilians	
s. 268.78(1) or (2)	War crime — attacking persons or objects using the distinctive emblems of the Geneva Conventions	
s. 268.79(1) or (2)	War crime — attacking personnel or objects involved in a humanitarian assistance or peacekeeping mission	
s. 268.80(1)	War crime — attacking protected objects	
s. 268.81	War crime — pillaging	
s. 268.82(1) or (2)	War crime — rape	The victim is a person other than a child or a vulnerable person
s. 268.83(1)	War crime — sexual slavery	The victim is a person other than a child or a vulnerable person
s. 268.84(1)	War crime — enforced prostitution	Each victim is a person other than a child or a vulnerable person
s. 268.85(1)	War crime — forced pregnancy	
s. 268.86(1)	War crime — enforced sterilisation	
s. 268.87(1)	War crime — sexual violence	Each victim is a person other than a child or a vulnerable person
s. 268.88(1), (2), (3), (4), (5) or (6)	War crime — using, conscripting or enlisting children	

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Provision	Description of offence	Condition
s. 268.89	War crime — displacing civilians	
s. 268.90(2)	War crime — treacherously injuring	
s. 268.91	War crime — denying quarter	The offence does not cause death
s. 268.92(2)	War crime — mutilation	Each victim is a person other than a child or a vulnerable person
s. 268.93(2)	War crime — medical or scientific experiments	Each victim is a person other than a child or a vulnerable person
s. 268.94(1)	War crime — destroying or seizing an adversary's property	
s. 268.95	War crime — medical procedure	
s. 268.96(1)	War crime — removal of blood, tissue or organs for transplantation	
s. 268.97	War crime — attack against works or installations containing dangerous forces resulting in excessive loss of life or injury to civilians	The attack does not result in death
s. 268.98	War crime — attacking undefended places or demilitarized zones	The attack does not result in death
s. 268.99(1)	War crime — unjustifiable delay in the repatriation of prisoners of war or civilians	
s. 268.100	War crime — apartheid	

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Provision	Description of offence	Condition
s. 268.101	War crime — attacking protected objects	
s. 270.3(1) or (2)	Slavery offences	The victim is a person other than a child or a vulnerable person
s. 270.5(1)	Causing a person to enter into or remain in servitude	The victim is a person other than a child or a vulnerable person
s. 270.5(2)	Conducting a business involving servitude	Each victim is a person other than a child or a vulnerable person
s. 270.6A(1)	Causing a person to enter into or remain in forced labour	The victim is a person other than a child or a vulnerable person
s. 270.6A(2)	Conducting a business involving forced labour	Each victim is a person other than a child or a vulnerable person
s. 270.7	Deceptive recruiting for labour or services	The victim is a person other than a child or a vulnerable person
s. 270.7B(1) or (2)	Forced marriage offences	The victim is a person other than a child or a vulnerable person
s. 270.7C	Debt bondage	The victim is a person other than a child or a vulnerable person
s. 271.2(1), (1A), (1B), (1C), (2), (2A), (2B) or (2C)	Trafficking in persons	The victim is a person other than a child or a vulnerable person

Provision	Description of offence	Condition
s. 271.3(1)	Trafficking in persons — aggravated offence	The victim is a person other than a child or a vulnerable person
s. 271.5(1), (2), (2A) or (2B)	Domestic trafficking in persons	The victim is a person other than a child or a vulnerable person
s. 271.6(1)	Domestic trafficking in persons — aggravated offence	The victim is a person other than a child or a vulnerable person
s. 271.7B(1) or (2)	Organ trafficking — entry into and exit from Australia	The victim is a person other than a child or a vulnerable person
s. 271.7C(1)	Organ trafficking — aggravated offence	The victim is a person other than a child or a vulnerable person
s. 271.7D	Domestic organ trafficking	The victim is a person other than a child or a vulnerable person
s. 271.7E(1)	Domestic organ trafficking — aggravated offence	The victim is a person other than a child or a vulnerable person
s. 272.8(1) or (2)	Sexual intercourse with child outside Australia	The offence falls within the ambit of regulation 8(3)
s. 272.9(1) or (2)	Sexual activity (other than sexual intercourse) with child outside Australia	The offence falls within the ambit of regulation 8(3)
s. 273B.4(1)	Failing to protect child at risk of child sexual abuse offence	
s. 274.2(1) or (2)	Torture	The victim is a person other than a child or a vulnerable person

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Provision	Description of offence	Condition
s. 302.2(1)	Trafficking commercial quantities of controlled drugs	
s. 303.4(1)	Cultivating commercial quantities of controlled plants	
s. 304.1(1)	Selling commercial quantities of controlled plants	
s. 305.3(1)	Manufacturing commercial quantities of controlled drugs	
s. 305.4(1)	Manufacturing marketable quantities of controlled drugs	The commission of the offence exposes a child or a vulnerable person to the manufacture of a controlled drug
s. 305.5(1)	Manufacturing controlled drugs	The commission of the offence exposes a child or a vulnerable person to the manufacture of a controlled drug
s. 306.2(1)	Pre-trafficking commercial quantities of controlled precursors	The commission of the offence exposes a child or a vulnerable person to a controlled precursor intended to be used for the manufacture of a controlled drug or the manufacture of a controlled precursor

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Provision	Description of offence	Condition
s. 306.3(1)	Pre-trafficking marketable quantities of controlled precursors	The commission of the offence exposes a child or a vulnerable person to a controlled precursor intended to be used for the manufacture of a controlled drug or the manufacture of a controlled precursor
s. 306.4(1)	Pre-trafficking controlled precursors	The commission of the offence exposes a child or a vulnerable person to a controlled precursor intended to be used for the manufacture of a controlled drug or the manufacture of a controlled precursor
s. 307.1(1)	Importing and exporting commercial quantities of border controlled drugs or border controlled plants	
s. 307.11(1)	Importing and exporting commercial quantities of border controlled precursors	
s. 308.3	Possessing plant material, equipment or instructions for commercial cultivation of controlled plants	The offender intends to sell, or believes another person intends to sell, any of the plant or any of its products to a child or a vulnerable person
s. 308.4(1)	Possessing substance, equipment or instructions for commercial manufacture of controlled drugs	The offender intends to sell, or believes another person intends to sell, any of the drug to a child or a vulnerable person
s. 309.2(1)	Supplying controlled drugs to children	

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Provision	Description of offence	Condition
s. 309.3(1)	Supplying marketable quantities of controlled drugs to children for trafficking	
s. 309.4(1)	Supplying controlled drugs to children for trafficking	
s. 309.7(1)	Procuring children for trafficking marketable quantities of controlled drugs	
s. 309.8(1)	Procuring children for trafficking controlled drug	
s. 309.10(1)	Procuring children for pre-trafficking marketable quantities of controlled precursors	
s. 309.11(1)	Procuring children for pre-trafficking controlled precursors	
s. 309.12(1)	Procuring children for importing or exporting marketable quantities of border controlled drugs or border controlled plants	
s. 309.13(1)	Procuring children for importing or exporting border controlled drugs or border controlled plants	
s. 309.14(1)	Procuring children for importing or exporting marketable quantities of border controlled precursors	

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Provision	Description of offence	Condition
s. 309.15(1)	Procuring children for importing or exporting border controlled precursors	
s. 310.2(1)	Danger from exposure to unlawful manufacturing	
s. 310.3(1)	Harm from exposure to unlawful manufacturing	
s. 474.17A(1) or (4)	Aggravated offences involving private sexual material — using a carriage service to menace, harass or cause offence	At least 1 of the victims of the underlying offence is a child or a vulnerable person
s. 474.22A(1)	Possessing or controlling child abuse material obtained or accessed using a carriage service	The offence falls within the ambit of regulation 8(3)
s. 474.25A(1)	Engaging in sexual activity with child using a carriage service	The offence falls within the ambit of regulation 8(3)
s. 474.27A(1)	Using a carriage service to transmit indecent communication to person under 16 years of age	The offence falls within the ambit of regulation 8(3)
s. 480.4	Dishonestly obtaining or dealing in personal financial information	The person to whom the information relates is a child or a vulnerable person
Offences under the <i>Crimes (Internationally Protected Persons) Act 1976</i> (Commonwealth)		
s. 8(1)	Kidnap of an internationally protected person	The victim is kidnapped, but not murdered, and the victim is a person other than a child or a vulnerable person or

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Provision	Description of offence	Condition
s. 8(2)	Attacking an internationally protected person	The victim is kidnapped, but not murdered, and the victim is a child and the offender is a family member of the child The attack causes grievous bodily harm, but not death, and the victim is a person other than a child or a vulnerable person

Schedule 3 — Entry warrant

[r. 13]

<i>National Disability Insurance Scheme (Worker Screening) Act 2020</i>			
Entry warrant			
To	All authorised officers under the <i>National Disability Insurance Scheme (Worker Screening) Act 2020</i> .		
Application	The applicant has applied under the <i>National Disability Insurance Scheme (Worker Screening) Act 2020</i> s. 64 to me, a magistrate, for a warrant authorising the entry of a place for the purpose of an investigation.		
Applicant's details	Full name and office title		
Purpose for which entry is required			
Suspected contravention(s) of Act	Provision(s)		
Warrant	This warrant authorises you to enter the place described below.		
Place to be entered			
Execution period	This warrant must be executed within _____ day(s) after the date it is issued.		
Issuing details	Name of magistrate		
	Date		Time

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Schedule 3 Entry warrant

Magistrate's signature	Issued by me on the above date and at the above time.	
	Magistrate	
Execution details	Start	Date: _____ Time: _____
	End	Date: _____ Time: _____
	Occupier present? Yes/No Entry audiovisually recorded? Yes/No	
Person executing this warrant	Name	

Notes

This is a compilation of the *National Disability Insurance Scheme (Worker Screening) Regulations 2021*. For provisions that have come into operation see the compilation table.

Compilation table

Citation	Published	Commencement
<i>National Disability Insurance Scheme (Worker Screening) Regulations 2021</i>	SL 2021/5 29 Jan 2021	1 Feb 2021 (see r. 2 and SL 2021/4 cl. 2)

Defined terms

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
Centrelink	14(1)
commencement day	15
Commonwealth Rules	15
concessional applicant	14(1)
Department of Veterans' Affairs.....	14(1)
engagement day	16(1)
NDIS work in a risk assessed role	16(1)
relevant date	17(2)
relevant national police check.....	17(1)
relevant person	17(2)
section	3
Services Australia	14(1)
suitable person	6(2)