

CN302

Working with Children (Criminal Record Checking) Act 2004

Working with Children (Criminal Record Checking) Amendment Regulations 2023

SL 2023/101

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Working with Children (Criminal Record Checking) Amendment Regulations 2023*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 July 2023.

3. Regulations amended

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

4. Regulation 1 amended

In regulation 1 delete “*(Criminal Record Checking)*” and insert:

(Screening)

5. Regulation 3 amended

(1) In regulation 3 insert in alphabetical order:

Australian Crime Commission means the Australian Crime Commission established under the *Australian Crime Commission Act 2002* (Commonwealth) section 7;

Parliamentary Commissioner means the Parliamentary Commissioner for Administrative Investigations appointed under the *Parliamentary Commissioner Act 1971*;

Teacher Registration Board means the Teacher Registration Board of Western Australia established by the *Teacher Registration Act 2012* section 86.

(2) In regulation 3 in the definition of ***section*** delete “Act.” and insert:

Act;

6. Regulation 3A amended

In regulation 3A delete “section 4 of the Act —” and insert:

section 4 —

7. Regulations 4 to 7 replaced

Delete regulations 4 to 7 and insert:

3B. Conduct review authorities (s. 4)

The following are prescribed for the purposes of the definition of ***conduct review authority*** in section 4 —

- (a) the Parliamentary Commissioner;
- (b) the Teacher Registration Board.

**3C. Conduct review findings or outcomes —
*Parliamentary Commissioner Act 1971 (s. 4)***

(1) In this regulation —

employee, of a relevant entity, has the meaning given in the PC Act section 19D;

head of a relevant entity has the meaning given in the PC Act section 19E;

PC Act means the *Parliamentary Commissioner Act 1971*;

reportable conduct has the meaning given in the PC Act section 19G(1)(a), (b) and (c), (2) and (3);

reportable conviction has the meaning given in the PC Act section 19H but does not include a conviction for an offence referred to in section 19G(1)(d).

(2) The following are prescribed for the purposes of the definition of **conduct review finding or outcome** in section 4 —

(a) a finding by the head of a relevant entity under the PC Act section 19W(3)(a) of reportable conduct in relation to an employee of the relevant entity;

(b) a finding by the Parliamentary Commissioner —

(i) under the PC Act section 19ZB(4)(a)(i), that the Parliamentary Commissioner is of the opinion that an employee of a relevant entity has engaged in reportable conduct; or

(ii) under the PC Act section 19ZB(4)(b)(i), that an employee of a relevant entity has a reportable conviction.

3D. Conduct review findings or outcomes — *Teacher Registration Act 2012 (s. 4)*

(1) In this regulation —

registration means registration under the TR Act Part 3;

SAT means the State Administrative Tribunal;

TR Act means the *Teacher Registration Act 2012*.

(2) The following are prescribed for the purposes of the definition of **conduct review finding or outcome** in section 4 —

(a) the suspension by a disciplinary committee of the registration of a teacher under the TR Act section 70(1)(d);

- (b) the suspension by the Teacher Registration Board of the registration of a teacher under the TR Act section 80(2)(b);
- (c) the suspension by SAT of the registration of a teacher under —
 - (i) the TR Act section 70(1)(d), as applied by section 84(1)(b)(i) of that Act; or
 - (ii) the TR Act section 84(2)(b);
- (d) the disqualification by SAT of a person from applying for registration as a teacher under the TR Act section 84(1)(a)(ii);
- (e) the cancellation by SAT of the registration of a teacher under the TR Act section 84(1)(b)(ii) or (2)(e).

3E. Corresponding laws (s. 4)

The following laws are prescribed for the purposes of the definition of *corresponding law* in section 4 —

- (a) the *Working with Vulnerable People (Background Checking) Act 2011* (Australian Capital Territory);
- (b) the *Child Protection (Working with Children) Act 2012* (New South Wales);
- (c) the *Care and Protection of Children Act 2007* (Northern Territory);
- (d) the *Working with Children (Risk Management and Screening) Act 2000* (Queensland);
- (e) the *Child Safety (Prohibited Persons) Act 2016* (South Australia);
- (f) the *Registration to Work with Vulnerable People Act 2013* (Tasmania);
- (g) the *Worker Screening Act 2020* (Victoria).

3F. Australian Crime Commission is criminal records agency (s. 4)

The Australian Crime Commission is prescribed for the purposes of the definition of *criminal records agency* in section 4.

4. Exemptions to child-related work (s. 6(3) and (4))

- (1) For the purposes of section 6(3), section 6(1) applies to work that is carried out on a voluntary basis by a child if —
 - (a) a negative notice or interim negative notice has been issued to the child; and
 - (b) the notice is current.

- (2) Subject to subregulations (3) and (4), the work described in Schedule 1 is prescribed for the purposes of section 6(4) as work to which section 6(1) does not apply.
- (3) Subregulation (2) does not apply to the work described in Schedule 1 Division 1 that is carried out on a voluntary basis by a person who is a parent of a child if —
 - (a) a negative notice or interim negative notice has been issued to the person; and
 - (b) the notice is current.
- (4) Subregulation (2) does not apply to the work described in Schedule 1 clause 13 that is carried out by a student who is a child if —
 - (a) a negative notice or interim negative notice has been issued to the child; and
 - (b) the notice is current.

5. Class 1 offences and Class 2 offences (s. 7)

- (1) For the purposes of section 7(1)(b), an offence against a provision listed in Schedule 2 is a Class 1 offence if the offence complies with any condition specified in that Schedule for that offence.
- (2) For the purposes of section 7(2)(b), an offence against a provision listed in Schedule 3 is a Class 2 offence if the offence complies with any condition specified in that Schedule for that offence.
- (3) For the purposes of Schedules 2 and 3, this subregulation applies to an offence if —
 - (a) the victim of the offence is a child who has reached 14 years of age; and
 - (b) the age difference between the victim and the offender does not exceed 5 years.

6. Designated conduct review authorities (s. 17A(1))

- (1) This regulation has effect for the purposes of the definition of *designated conduct review authority* in section 17A(1).
- (2) The Parliamentary Commissioner is the designated conduct review authority in relation to a conduct review finding or outcome referred to in regulation 3C(2).
- (3) The Teacher Registration Board is the designated conduct review authority in relation to a conduct review finding or outcome referred to in regulation 3D(2).

**7. Public authorities that are authorised entities
(s. 34F(1))**

The following public authorities are prescribed for the purposes of the definition of *authorised entity* in section 34F(1) —

- (a) the departments of the Public Service principally assisting in the administration of the following Acts —
 - (i) the *Child Care Services Act 2007*;
 - (ii) the *Children and Community Services Act 2004*;
 - (iii) the *Education and Care Services National Law (WA) Act 2012*;
 - (iv) the *Motor Vehicle Drivers Instructors Act 1963*;
 - (v) the *Transport (Road Passenger Services) Act 2018*;
- (b) the Australian Health Practitioner Regulation Agency established by the *Health Practitioner Regulation National Law (Western Australia)* section 23(1);
- (c) the Teacher Registration Board.

7A. Information that may be disclosed to Australian Crime Commission (s. 34G(2))

- (1) In this regulation —
condition means a condition specified in the Table to section 12(3).
- (2) The following information relating to a negative notice or an interim negative notice is prescribed for the purposes of section 34G(2) —
 - (a) the date of issue and identifying number of the notice;
 - (b) whether or not the condition in accordance with which the notice was issued relates to a criminal record.

7B. Police information may be disclosed to Australian Crime Commission (s. 34I(3))

The Australian Crime Commission is prescribed for the purposes of section 34I(3).

7C. Information for application for entry warrant (s. 34V(2)(a))

For the purposes of section 34V(2)(a), the following information is prescribed for an application for an entry warrant —

- (a) the applicant's full name and official details;
- (b) the place in relation to which the warrant is sought;
- (c) the authorised purpose for which entry to the place is sought;
- (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 34V(1) within the previous 72 hours and, if so, whether or not a warrant was issued.

7D. Form of entry warrant (s. 34W(3))

For the purposes of section 34W(3), an entry warrant must be in the form set out in Schedule 5.

7E. Times at which documents are given (s. 45D(3))

- (1) For the purposes of section 45D(3) and unless the contrary is proved, subregulations (2) to (6) prescribe the times at which a document is given if it is given by the method referred to in the relevant subregulation.
- (2) A document given to a person by the method described in section 45D(2)(a) is taken to have been given —
 - (a) at the time the document is delivered to the person; or
 - (b) if the person refuses to accept that delivery — at the time —
 - (i) the document is placed down in the presence of the person; and
 - (ii) the person is told what the document is.
- (3) A document given to a person by the method described in section 45D(2)(b) is taken to have been given at the time the document is left at the person's last known principal place of residence or ordinary place of business.

- (4) A document given to a person by the method described in section 45D(2)(c) is taken to have been given at the time the document would have been delivered to the person in the ordinary course of post.
- (5) A document given to a person by the method described in section 45D(2)(d) is taken to have been given at the time the document is sent by email to the email address specified by the person.
- (6) A document given to a person by a method described in section 45D(2)(e) is taken to have been given at the time agreed to by the person, if a time was agreed to by the person for giving a document by that method.

8. Regulation 8 amended

In regulation 8(1), (2), (3A) and (4) delete “Schedule 3” (each occurrence) and insert:

Schedule 4

Note: The heading to amended regulation 8 is to read:

Fees (Sch. 4)

9. Schedules 2A and 2 replaced

Delete Schedules 2A and 2 and insert:

Schedule 2 — Class 1 offences

[r. 5(1)]

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	The victim is a child
s. 71.4(1)	Intentionally causing serious harm to a UN or associated person	The victim is a child
s. 71.8(1)	Unlawful sexual penetration of a UN or associated person	The victim is a child and regulation 5(3) does not apply to the offence
s. 71.9(1)	Kidnapping a UN or associated person	The victim is a child and the offence is committed by a person other than a relative of the child
s. 72.3(1)	Intentionally deliver, place, discharge or detonate a device	The victim, or intended victim, is a child

Provision	Description of offence	Condition
s. 101.1(1)	Terrorist acts	The offence causes serious physical harm to a child or causes a child's death
s. 115.1(1)	Murder of an Australian citizen or a resident of Australia	The victim is a child
s. 115.3(1)	Intentionally causing serious harm to an Australian citizen or a resident of Australia	The victim is a child
s. 268.3	Genocide by killing	At least 1 of the victims is a child
s. 268.4(1)	Genocide by causing serious bodily or mental harm	At least 1 of the victims is a child
s. 268.5(1)	Genocide by deliberately inflicting conditions of life calculated to bring about physical destruction	At least 1 of the victims is a child
s. 268.6	Genocide by imposing measures intended to prevent births	At least 1 of the victims is a child
s. 268.7(1)	Genocide by forcibly transferring children	
s. 268.8	Crime against humanity — murder	At least 1 of the victims is a child
s. 268.9(1)	Crime against humanity — extermination	At least 1 of the victims is a child
s. 268.13	Crime against humanity — torture	At least 1 of the victims is a child
s. 268.14(1) or (2)	Crime against humanity — rape	The victim is a child
s. 268.15(1)	Crime against humanity — sexual slavery	The victim is a child
s. 268.16(1)	Crime against humanity — enforced prostitution	At least 1 of the victims is a child
s. 268.17(1)	Crime against humanity — forced pregnancy	At least 1 of the victims is a child
s. 268.18(1)	Crime against humanity — enforced sterilisation	At least 1 of the victims is a child

Provision	Description of offence	Condition
s. 268.19(1)	Crime against humanity — sexual violence	At least 1 of the victims is a child
s. 268.23	Crime against humanity — other inhumane act	At least 1 of the victims is a child
s. 268.24(1)	War crime — wilful killing	At least 1 of the victims is a child
s. 268.25(1)	War crime — torture	At least 1 of the victims is a child
s. 268.47(1)	War crime — mutilation causing death	At least 1 of the victims is a child
s. 268.47(2)	War crime — mutilation	At least 1 of the victims is a child
s. 268.48(1)	War crime — medical or scientific experiment causing death	At least 1 of the victims is a child
s. 268.48(2)	War crime — medical or scientific experiments	At least 1 of the victims is a child
s. 268.49(1)	War crime — treacherously killing	At least 1 of the victims is a child
s. 268.55	War crime — employing poison or poisoned weapons	At least 1 of the victims is a child
s. 268.56	War crime — employing prohibited gases, liquids, materials or devices	At least 1 of the victims is a child
s. 268.59(1) or (2)	War crime — rape	The victim is a child
s. 268.60(1)	War crime — sexual slavery	The victim is a child
s. 268.61(1)	War crime — enforced prostitution	At least 1 of the victims is a child
s. 268.62(1)	War crime — forced pregnancy	At least 1 of the victims is a child
s. 268.63(1)	War crime — enforced sterilisation	At least 1 of the victims is a child
s. 268.64(1)	War crime — sexual violence	At least 1 of the victims is a child
s. 268.70(1)	War crime — murder	At least 1 of the victims is a child
s. 268.71(1)	War crime — mutilation causing death	At least 1 of the victims is a child
s. 268.71(2)	War crime — mutilation	At least 1 of the victims is a child

Provision	Description of offence	Condition
s. 268.73(1)	War crime — torture	At least 1 of the victims is a child
s. 268.76(2)	War crime — execution without due process	At least 1 of the victims is a child
s. 268.82(1) or (2)	War crime — rape	The victim is a child
s. 268.83(1)	War crime — sexual slavery	The victim is a child
s. 268.84(1)	War crime — enforced prostitution	At least 1 of the victims is a child
s. 268.85(1)	War crime — forced pregnancy	At least 1 of the victims is a child
s. 268.86(1)	War crime — enforced sterilisation	At least 1 of the victims is a child
s. 268.87(1)	War crime — sexual violence	At least 1 of the victims is a child
s. 268.90(1)	War crime — treacherously killing	At least 1 of the victims is a child
s. 268.92(1)	War crime — mutilation causing death	At least 1 of the victims is a child
s. 268.92(2)	War crime — mutilation	At least 1 of the victims is a child
s. 268.93(1)	War crime — medical or scientific experiment causing death	At least 1 of the victims is a child
s. 268.93(2)	War crime — medical or scientific experiments	At least 1 of the victims is a child
s. 268.96(1)	War crime — removal of blood, tissue or organs for transplantation	At least 1 of the victims is a child
s. 271.4(1) or (2)	Trafficking in children	
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
s. 271.7C(1)	Organ trafficking — aggravated offence	The victim is a child
s. 271.7D	Domestic organ trafficking	The victim is a child
s. 271.7E(1)	Domestic organ trafficking — aggravated offence	The victim is a child
s. 272.8(1)	Sexual intercourse with child outside Australia	Regulation 5(3) does not apply to the offence

Provision	Description of offence	Condition
s. 272.8(2)	Causing child to engage in sexual intercourse in presence of offender outside Australia	Regulation 5(3) does not apply to the offence
s. 272.9(1) or (2)	Sexual activity (other than sexual intercourse) with child outside Australia	Regulation 5(3) does not apply to the offence
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	Regulation 5(3) does not apply to the offence
s. 272.12(1) or (2)	Sexual intercourse with young person outside Australia — offender in position of trust or authority	
s. 272.13(1) or (2)	Sexual activity (other than sexual intercourse) with young person outside Australia — offender in position of trust or authority	
s. 272.14(1)	Procuring child to engage in sexual activity outside Australia	Regulation 5(3) does not apply to the offence
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)	Benefiting from offence against Division 272	
s. 272.19(1)	Encouraging offence against Division 272	
s. 272.20(1) or (2)	Preparing for or planning offence against Division 272	
s. 273.5 (repealed)	Possessing, controlling, producing, distributing or obtaining child pornography material outside Australia	

Provision	Description of offence	Condition
s. 273.6(1)	Possessing, controlling, producing, distributing or obtaining child abuse material outside Australia	
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 dolls etc	
s. 274.2(1) or (2)	Torture	The victim is a child
s. 471.16(1) or (2) (repealed)	Using a postal or similar service for child pornography material	
s. 471.17 (repealed)	Possessing, controlling, producing, supplying or obtaining child pornography material for use through a postal or similar service	
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 children under 16	
s. 471.25(1), (2) or (3)	Using a postal or similar service to “groom” children under 16	
s. 471.25A(1), (2) or (3)	Using a postal or similar service to “groom” another person to make it easier to procure children under 16	
s. 471.26(1)	Using a postal or similar service to send indecent material to child under 16	Regulation 5(3) does not apply to the offence

Provision	Description of offence	Condition
s. 474.19 (repealed)	Using a carriage service for child pornography material	
s. 474.20 (repealed)	Possessing, controlling, producing, supplying or obtaining child pornography material for use through a carriage service	
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	Regulation 5(3) does not apply to the offence
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 under 16 using a carriage service	Regulation 5(3) does not apply to the offence
s. 474.25A(2)	Causing child under 16 to engage in sexual activity using a carriage service	
s. 474.25B(1)	Aggravated offence — using a carriage service for sexual activity with child under 16	
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, children under 16	
s. 474.26(1), (2) or (3)	Using a carriage service to procure children under 16	

Provision	Description of offence	Condition
s. 474.27(1), (2) or (3)	Using a carriage service to “groom” children under 16	
s. 474.27AA(1), (2) or (3)	Using a carriage service to “groom” another person to make it easier to procure children under 16	
s. 474.27A(1)	Using a carriage service to transmit indecent communication to child under 16	Regulation 5(3) does not apply to the offence
Offences under the <i>Crimes Act 1914</i> (Commonwealth)		
s. 50BA (repealed)	Sexual intercourse with child under 16	Regulation 5(3) does not apply to the offence
s. 50BB (repealed)	Inducing child under 16 to engage in sexual intercourse	Regulation 5(3) does not apply to the offence
s. 50BC (repealed)	Sexual conduct involving child under 16	Regulation 5(3) does not apply to the offence
s. 50BD (repealed)	Inducing child under 16 to be involved in sexual conduct	Regulation 5(3) does not apply to the offence
s. 50DA (repealed)	Benefiting from offence against Part IIIA	
s. 50DB (repealed)	Encouraging offence against Part IIIA	
Offences under the <i>Crimes (Internationally Protected Persons) Act 1976</i> (Commonwealth)		
s. 8(1)	Murder of an internationally protected person	The victim is a child
s. 8(1)	Kidnapping of an internationally protected person	The victim is a child and the offence is committed by a person other than a relative of the child
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 pornography or child abuse material

Schedule 3 — Class 2 offences

[r. 5(2)]

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	The victim is not a child
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 not a child
s. 71.5(1)	Recklessly causing serious harm to a UN or associated person	
s. 71.8(1)	Unlawful sexual penetration of a UN or associated person	The victim is not a child, or the victim is a child and regulation 5(3) applies to the offence
s. 71.9(1)	Kidnapping a UN or associated person	The victim is not a child, or the victim is a child and the offence is committed by a person who is a relative of the child
s. 72.3(1)	Intentionally deliver, place, discharge or detonate a device	The victim, or intended victim, is not a child
s. 73.1(1)	People smuggling	
s. 73.2(1)	Aggravated offence of people smuggling (danger of death or serious harm)	
s. 73.3(1)	Aggravated offence of people smuggling (at least 5 people)	
s. 73.3A(1)	Supporting the offence of people smuggling	
s. 80.1(1) or (2)	Treason	
s. 101.1(1)	Terrorist acts	None of the victims is a child, or a victim is a child but the offence does not cause serious physical harm to the child or cause the child's death
s. 115.1(1)	Murder of an Australian citizen or a resident of Australia	The victim is not a child

Provision	Description of offence	Condition
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 not a child
s. 115.4(1)	Recklessly causing serious harm to an Australian citizen or a resident of Australia	
s. 268.3	Genocide by killing	None of the victims is a child
s. 268.4(1)	Genocide by causing serious bodily or mental harm	None of the victims is a child
s. 268.5(1)	Genocide by deliberately inflicting conditions of life calculated to bring about physical destruction	None of the victims is a child
s. 268.6	Genocide by imposing measures intended to prevent births	None of the victims is a child
s. 268.8	Crime against humanity — murder	None of the victims is a child
s. 268.9(1)	Crime against humanity — extermination	None of the victims is a child
s. 268.10(1)	Crime against humanity — enslavement	
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	None of the victims is a child
s. 268.14(1) or (2)	Crime against humanity — rape	The victim is not a child
s. 268.15(1)	Crime against humanity — sexual slavery	The victim is not a child
s. 268.16(1)	Crime against humanity — enforced prostitution	None of the victims is a child
s. 268.17(1)	Crime against humanity — forced pregnancy	None of the victims is a child
s. 268.18(1)	Crime against humanity — enforced sterilisation	None of the victims is a child

Provision	Description of offence	Condition
s. 268.19(1)	Crime against humanity — sexual violence	None of the victims is a child
s. 268.20(1)	Crime against humanity — persecution	
s. 268.21(1) or (2)	Crime against humanity — enforced disappearance of persons	
s. 268.22	Crime against humanity — apartheid	
s. 268.23	Crime against humanity — other inhumane act	None of the victims is a child
s. 268.24(1)	War crime — wilful killing	None of the victims is a child
s. 268.25(1)	War crime — torture	None of the victims is a child
s. 268.26(1)	War crime — inhumane treatment	
s. 268.27(1)	War crime — biological experiments	
s. 268.28(1)	War crime — wilfully causing great suffering	
s. 268.38(1)	War crime — excessive incidental death or injury	
s. 268.40(1)	War crime — killing a person who is <i>hors de combat</i>	
s. 268.47(1)	War crime — mutilation causing death	None of the victims is a child
s. 268.47(2)	War crime — mutilation	None of the victims is a child
s. 268.48(1)	War crime — medical or scientific experiment causing death	None of the victims is a child
s. 268.48(2)	War crime — medical or scientific experiments	None of the victims is a child
s. 268.49(1)	War crime — treacherously killing	None of the victims is a child
s. 268.55	War crime — employing poison or poisoned weapons	None of the victims is a child
s. 268.56	War crime — employing prohibited gases, liquids, materials or devices	None of the victims is a child
s. 268.59(1) or (2)	War crime — rape	The victim is not a child
s. 268.60(1)	War crime — sexual slavery	The victim is not a child

Provision	Description of offence	Condition
s. 268.61(1)	War crime — enforced prostitution	None of the victims is a child
s. 268.62(1)	War crime — forced pregnancy	None of the victims is a child
s. 268.63(1)	War crime — enforced sterilisation	None of the victims is a child
s. 268.64(1)	War crime — sexual violence	None of the victims is a child
s. 268.70(1)	War crime — murder	None of the victims is a child
s. 268.71(1)	War crime — mutilation causing death	None of the victims is a child
s. 268.71(2)	War crime — mutilation	None of the victims is a child
s. 268.73(1)	War crime — torture	None of the victims is a child
s. 268.76(2)	War crime — execution without due process	None of the victims is a child
s. 268.82(1) or (2)	War crime — rape	The victim is not a child
s. 268.83(1)	War crime — sexual slavery	The victim is not a child
s. 268.84(1)	War crime — enforced prostitution	None of the victims is a child
s. 268.85(1)	War crime — forced pregnancy	None of the victims is a child
s. 268.86(1)	War crime — enforced sterilisation	None of the victims is a child
s. 268.87(1)	War crime — sexual violence	None of the victims is a child
s. 268.90(1)	War crime — treacherously killing	None of the victims is a child
s. 268.92(1)	War crime — mutilation causing death	None of the victims is a child
s. 268.92(2)	War crime — mutilation	None of the victims is a child
s. 268.93(1)	War crime — medical or scientific experiment causing death	None of the victims is a child
s. 268.93(2)	War crime — medical or scientific experiments	None of the victims is a child
s. 268.96(1)	War crime — removal of blood, tissue or organs for transplantation	None of the victims is a child
s. 268.100	War crime — apartheid	

Provision	Description of offence	Condition
s. 270.3(1) or (2)	Slavery	
s. 270.5(1)	Causing a person to enter into or remain in servitude	
s. 270.5(2)	Conducting a business involving servitude	
s. 270.6A(1)	Causing a person to enter into or remain in forced labour	
s. 270.6A(2)	Conducting a business involving forced labour	
s. 270.7	Deceptive recruiting for labour or services	
s. 270.7B(1) or (2)	Forced marriage	
s. 270.7C	Debt bondage	
s. 271.2(1), (1A), (1B), (1C), (2), (2A), (2B) or (2C)	Trafficking in persons	
s. 271.3(1)	Trafficking in persons — aggravated offence	
s. 271.5(1), (2), (2A) or (2B)	Domestic trafficking in persons	
s. 271.6(1)	Domestic trafficking in persons — aggravated offence	
s. 271.7B(1) or (2)	Organ trafficking — entry into and exit from Australia	The victim is not a child
s. 271.7C(1)	Organ trafficking — aggravated offence	The victim is not a child
s. 271.7D	Domestic organ trafficking	The victim is not a child
s. 271.7E(1)	Domestic organ trafficking — aggravated offence	The victim is not a child
s. 272.8(1)	Sexual intercourse with child outside Australia	Regulation 5(3) applies to the offence
s. 272.8(2)	Causing child to engage in sexual intercourse in presence of offender outside Australia	Regulation 5(3) applies to the offence
s. 272.9(1) or (2)	Sexual activity (other than sexual intercourse) with child outside Australia	Regulation 5(3) applies to the offence
s. 272.11(1)	Persistent sexual abuse of child outside Australia	Regulation 5(3) applies to the offence

Provision	Description of offence	Condition
s. 272.14(1)	Procuring child to engage in sexual activity outside Australia	Regulation 5(3) applies to the offence
s. 273B.4(1)	Failing to protect child at risk of child sexual abuse	
s. 274.2(1) or (2)	Torture	The victim is not a child
s. 309.2(1)	Supplying controlled drug to child	
s. 309.3(1)	Supplying marketable quantity of controlled drug to child for trafficking	
s. 309.4(1)	Supplying controlled drug to child for trafficking	
s. 309.7(1)	Procuring child for trafficking marketable quantity of controlled drug	
s. 309.8(1)	Procuring child for trafficking controlled drug	
s. 309.10(1)	Procuring child for pre-trafficking marketable quantity of controlled precursor	
s. 309.11(1)	Procuring child for pre-trafficking controlled precursor	
s. 309.12(1)	Procuring child for importing or exporting marketable quantity of border controlled drug or border controlled plant	
s. 309.13(1)	Procuring child for importing or exporting border controlled drug or border controlled plant	
s. 309.14(1)	Procuring child for importing or exporting marketable quantity of border controlled precursor	
s. 309.15(1)	Procuring child for importing or exporting border controlled precursor	
s. 310.2(1)	Causing danger to child under 14 from exposure to unlawful manufacturing	
s. 310.3(1)	Causing harm to child under 14 from exposure to unlawful manufacturing	

Provision	Description of offence	Condition
s. 310.4(2) and (3)	Aggravated offences — manufacturing controlled drugs and controlled precursors	
s. 471.26(1)	Using a postal or similar service to send indecent material to child under 16	Regulation 5(3) applies to the offence
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 is a child
s. 474.22A(1)	Possessing or controlling child abuse material obtained or accessed using a carriage service	Regulation 5(3) applies to the offence
s. 474.25A(1)	Engaging in sexual activity with child under 16 using a carriage service	Regulation 5(3) applies to the offence
s. 474.27A(1)	Using a carriage service to transmit indecent communication to child under 16	Regulation 5(3) applies to the offence
s. 474.29A(1) or (2)	Using a carriage service for suicide related material	
s. 474.29B(1)	Possessing, controlling, producing, supplying or obtaining suicide related material for use through a carriage service	
Offences under the <i>Crimes Act 1914</i> (Commonwealth)		
s. 50BA (repealed)	Sexual intercourse with child under 16	Regulation 5(3) applies to the offence
s. 50BB (repealed)	Inducing child under 16 to engage in sexual intercourse	Regulation 5(3) applies to the offence
s. 50BC (repealed)	Sexual conduct involving child under 16	Regulation 5(3) applies to the offence
s. 50BD (repealed)	Inducing child under 16 to be involved in sexual conduct	Regulation 5(3) applies to the offence
Offences under the <i>Crimes (Internationally Protected Persons) Act 1976</i> (Commonwealth)		
s. 8(1)	Murder of an internationally protected person	The victim is not a child

Provision	Description of offence	Condition
s. 8(1)	Kidnapping of an internationally protected person	The victim is not a child, or the victim is a child and the offence is committed by a person who is a relative of the child
s. 8(2)(a) or (b)	Attacking an internationally protected person	

10. Schedule 3 heading amended

In the heading to Schedule 3 delete “**Schedule 3 —**” and insert:

Schedule 4 —

11. Schedule 5 inserted

After the last Schedule insert:

Schedule 5 — Entry warrant

[r. 7D]

<i>Working with Children (Screening) Act 2004</i>		
Entry warrant		
To	All authorised officers under the <i>Working with Children (Screening) Act 2004</i> .	
Application	The applicant has applied under the <i>Working with Children (Screening) Act 2004</i> s. 34V to me, a magistrate, for a warrant authorising the entry of a place for an authorised purpose.	
Applicant's details	Full name and office title	
Authorised purpose for which entry is required		
Suspected contravention(s) of Act (if applicable)	Provision(s)	
Warrant	This warrant authorises the place described below to be entered.	
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	
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			
Authorised officer(s) executing this warrant	Name			

K. COLLERAN, Clerk of the Executive Council.
