

CX301*

Working with Children (Criminal Record Checking) Act 2004

Working with Children (Criminal Record Checking) Amendment Regulations 2007

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Working with Children (Criminal Record Checking) Amendment Regulations 2007*.

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 the day after that day.

3. The regulations amended

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

4. Regulation 7 amended

Regulation 7(a) is deleted and the following paragraph is inserted instead —

“

- (a) the department of the Public Service principally assisting in the administration of the *Children and Community Services Act 2004*;

”.

5. Regulation 13 amended

- (1) Regulation 13(1) is amended by deleting “subregulation (3)” and inserting instead —
“ subregulations (3) and (5) ”.
- (2) Regulation 13(3) is amended as follows:
 - (a) by deleting paragraphs (a), (b), (c), (d), (e), (f) and (i);
 - (b) after paragraph (h) by deleting “; or” and inserting a full stop;
 - (c) after paragraph (g) by inserting —
“ or ”.
- (3) After regulation 13(3) the following subregulations are inserted —
“
 - (4) For the purposes of section 60(2), sections 22(6) and 24(a) apply in relation to a continuing employee being employed in child-related employment specified in subregulation (5) from 1 January 2009.
 - (5) Subregulations (1) and (4) apply in relation to child-related employment —
 - (a) referred to in section 6(1)(a)(iv) in connection with a coaching or private tuition service; or
 - (b) referred to in section 6(1)(a)(v) in connection with an arrangement for the accommodation or care of children, whether in a residential facility or private residence; or
 - (c) referred to in section 6(1)(a)(xi) in connection with a religious organisation; or
 - (d) referred to in section 6(1)(a)(xii) in connection with a club, association or movement (including of a cultural, recreational or sporting nature and whether incorporated or not) with a significant membership or involvement of children; or
 - (e) referred to in section 6(1)(a)(xiv) in connection with a babysitting or childminding service; or
 - (f) referred to in section 6(1)(a)(xv) in connection with an overnight camp; or
 - (g) referred to in section 6(1)(a)(xviii) in connection with a children’s entertainment or party service.”.

6. Regulation 19 amended

- (1) Regulation 19(1) is amended by deleting “subregulation (3)” and inserting instead —

“ subregulations (3), (5) and (7) ”.

- (2) Regulation 19(3) is amended as follows:

- (a) by deleting paragraphs (ba), (c), (d) and (e) and “or” after paragraph (e);
- (b) after each of paragraphs (a) and (b) by inserting —
“ or ”.

- (3) After regulation 19(3) the following subregulations are inserted —

“

- (4) For the purposes of section 60(2), sections 22(6) and 24(a) apply in relation to a continuing employee being employed in child-related employment specified in subregulation (5) from 1 January 2009.
- (5) Subregulations (1) and (4) apply in relation to child-related employment —
 - (a) referred to in section 6(1)(a)(viii) in connection with a detention centre, as defined in the *Young Offenders Act 1994* section 3; or
 - (b) referred to in section 6(1)(a)(ix) in connection with a community child health service; or
 - (c) referred to in section 6(1)(a)(x) in connection with a counselling or other support service.
- (6) For the purposes of section 60(2), sections 22(6) and 24(a) apply in relation to a continuing employee being employed in child-related employment specified in subregulation (7) from 1 January 2010.
- (7) Subregulations (1) and (6) apply in relation to child-related employment referred to in section 6(1)(a)(vii) in connection with the performance by an officer, as defined in the *Children and Community Services Act 2004* section 3, of a function given to the officer under that Act.

”.

7. Regulation 21 amended

After regulation 21(4) the following subregulation is inserted —

“

- (5) Sections 22(4) and 24(a) do not apply in relation to a person who is employed in child-related employment referred to in section 6(1)(a)(i) in connection with a child care service before 1 January 2007 until, in the case of a person who has not been the subject of a criminal record check before 1 January 2007 under the

Community Services Act 1972 or the Children and Community Services Act 2004, the day that is on or after 1 January 2009.

”.

8. Schedule 1 amended

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

“

2a. Coaching or private tuition services in connection with clubs, associations or movements (s. 6(1)(a)(iv))

Work —

- (a) referred to in section 6(1)(a)(iv) in connection with a coaching or private tuition service; and
- (b) carried out in connection with a club, association or movement (including of a cultural, recreational or sporting nature and whether incorporated or not) with a significant membership or involvement of children; and
- (c) carried out on a voluntary basis by a parent of a child who is involved, or is ordinarily involved in some, or all, of the activities of the club, association or movement.

”.

- (2) Schedule 1 Division 2 clause 12a is amended by deleting “section 6(1)(a)(iii),” and inserting instead —

“ section 6(1)(a)(i), (iii), ”.

By Command of the Governor,

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