


Fact sheet 13

Disqualifying offences (Schedule 2)

May 2015

the working
with children
check 

Schedule 2 of the *Child Protection (Working with Children) Act 2012* lists disqualifying offences, which means offences that will automatically bar you from working with children.

A detailed list of Schedule 2 offences is set out in the table below. A person convicted of (or awaiting trial for) any of these offences, committed as an adult, will be automatically barred.

A Working With Children Check involves a full review of a person's national criminal history, including convictions (whether spent or unspent), charges (whether heard, unheard or dismissed) and juvenile records. A conviction includes a finding of guilt that may not be recorded by the court as a conviction. A spent conviction is an older conviction that is deemed no longer relevant for most considerations, but will be considered in assessing a person's risk to children.



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Intention to commit any of these offences (or offences under a law other than a NSW law which, if committed in NSW would be an offence as listed in the table below), attempting, conspiring or inciting to commit any of the above offences will also be considered.

Schedule 2 disqualifying offences (convictions or proceedings for the following offences whether occurring before, on or after 15 June 2013).

Act	Description of Offence
NSW Crimes Act 1900	
s.18	Murder Manslaughter of a child (other than as a result of a motor vehicle accident)
s.33	Intentional wounding or causing grievous bodily harm (victim under 18 by adult more than 3 years older)
s.42	Injuries to child at time of birth
s.43	Abandoning or exposing child under 7 years
s.61B	Sexual assault category 1 – inflicting grievous bodily harm with intent to have sexual intercourse (repealed)
s.61C	Sexual assault category 2 – inflicting actual bodily harm etc with intent to have sexual intercourse (repealed)
s.61D	Sexual assault category 3 – sexual intercourse without consent (repealed)
s.61E	Sexual assault category 4 – indecent assault and act of indecency (repealed)
s.61F	Attempt to commit offence under secs. 61B to 61E (repealed)

Act	Description of Offence
s.61I	Sexual assault
s.61J	Aggravated sexual assault
s.61JA	Aggravated sexual assault in company
s.61K	Assault with intent to have sexual intercourse
s.61L	Indecent assault
s.61M	Aggravated indecent assault
s.61N	Act of indecency
s.61O	Aggravated act of indecency
s.61P	Attempt to commit offence under sections 61I–61O
s.65A	Sexual intercourse procured by intimidation, coercion and other non violent threats (repealed)
s.66	Procuring etc carnal knowledge by fraud (repealed)
s.66A	Sexual intercourse child under 10
s.66B	Attempting, or assaulting with intent, to have sexual intercourse with child under 10
s.66C	Sexual intercourse with child 10 to 16
s.66D	Attempting, or assaulting with intent, to have sexual intercourse with child 10 to 16
s.66EA	Persistent sexual abuse of a child
s.66EB	Procuring or grooming a child under 16 for unlawful sexual activity
s.66F	Sexual intercourse—intellectual disability
s.67	Carnally knowing girl under 10 (repealed)
s.68	Attempting, or assaulting with intent, to carnally know girl under 10 (repealed)
s.71	Carnally knowing girl between 10 and 16 (repealed)
s.72	Attempts (repealed)
s.73	Sexual intercourse with child between 16 and 18 under special care
s.74	Attempts (carnal knowledge by teacher etc) (repealed)
s.76	Assault and commit act of indecency on female under 16 (repealed)
s.78A	Incest
s.78B	Incest attempts
s.78H	Homosexual intercourse with male under 10 (repealed)
s.78I	Attempt, or assault with intent, to have homosexual intercourse with male under 10 (repealed)
s.78K	Homosexual intercourse with male 10 to 18 (repealed)
s.78L	Attempt, or assault with intent, to have homosexual intercourse with male between 10 and 18 (repealed)

Act	Description of Offence
s.78N	Homosexual intercourse by teacher etc (repealed)
s.78O	Attempt, or assault with intent, to have homosexual intercourse with pupil (repealed)
s.78Q	Acts of gross indecency (repealed)
s.79	Bestiality
s.80A	Sexual assault by forced manipulation
s.80D	Causing sexual servitude
s.80E	Conduct of business involving sexual servitude
s.81	Indecent assault on male (repealed)
s.86	Kidnapping (except where by parent or carer)
s.91D	Promoting or engaging in acts of child prostitution (other than offence committed by child prostitute)
s.91E	Obtaining benefit from child prostitution (other than offence committed by child prostitute)
s.91F	Premises not to be used for child prostitution (other than offence committed by child prostitute)
s.91G	Children not to be used for pornographic purposes (other than offence committed by child prostitute)
s.91H	Production, dissemination or possession of child pornography (child under 16) (other than offence committed by child prostitute)
s.91J	Voyeurism
s.91K	Filming a person engaged in private act
s.91L	Filming a person's private parts
s.91M	Installing a device to facilitate observation or filming (where person intended to observed or filmed was a child)
578B	Possession of child pornography (repealed)
578C (2A)	Publishing Indecent articles
<i>NSW Summary Offences Act 1988</i>	
s.21G	Filming for indecent purposes (where person intended to observed or filmed was a child) (repealed)
<i>Commonwealth Customs Act 1901</i>	
s.233BAB	Importation of items of child pornography or of child abuse material
<i>Commonwealth Criminal Code Act 1995</i>	
s.270.6A	Forced labour (victim under 18)
s.270.7	Deceptive recruiting for labour or services (victim under 18)
s.272.8-.11, 272.14 -.15	Sexual offences against children outside Australia

Act	Description of Offence
s.272.18-272.20	Offences of benefiting from, encouraging or preparing for sexual offences against children outside Australia
s.471.16-.17, 471.19-.20, 471.22	Offences relating to use of postal or similar service for child pornography material or child abuse material
s.471.24-26	Offences relating to use of postal or similar service involving sexual activity with person under 16

In addition to the above, the common law offences of rape and attempted rape are Schedule 2 disqualifying offences.

For more information, please refer the fact sheets available from the fact sheets and resources page of the website at www.kidsguardian.nsw.gov.au/check.

If you have a question, please email check@kidsguardian.nsw.gov.au.

See also: [Child Protection \(Working with Children\) Act 2012](#)
[Child Protection \(Working with Children\) Regulation 2013](#)

Excluded offences

An offence is not specified for the purpose of this Schedule if it was an offence specified at the time of its commission, but the conduct has ceased to be an offence in NSW.

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