


Fact sheet 14

Assessment requirement triggers (Schedule 1)

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with children
check 

If any of the matters specified in Schedule 1 of the *Child Protection (Working with Children) Act 2012* apply to a person, he or she will be subject to a risk assessment (see [FACT SHEET: Risk assessment](#)). These matters are referred to as assessment requirement triggers.

1. Offences under Schedule 1

A list of Schedule 1 of the *Child Protection (Working with Children) Act 2012* records in NSW law and Commonwealth law is set out below. The finding or outcome which is relevant for the purposes of risk assessment is also listed against each offence. Equivalent offences from other states and territories will also trigger a risk assessment.

Intention to commit any of the following offences, attempting, conspiring or inciting any of the listed offences will also be considered. Records may include convictions (spent or unspent), charges (heard, unheard or dismissed) and juvenile records.



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Act	Description of offence	Finding/outcome
Various	Adult Schedule 2 offences	Non-conviction charges
Various	Juvenile Schedule 2 offences	Whatever the outcome of the proceedings, i.e. all records
Various	Patterns of violence or sexual misconduct (whether or not listed in Sch 1 or 2)	Convictions, pending charges
<i>Crimes Act 1900</i>	Description of offence	Finding/outcome
	An offence involving intentional wounding or causing bodily harm to a child by an adult (other than an offence in Sch 2 (1))	Whatever the outcome of the proceedings, i.e. all records
	Any sexual offence committed against, with or in the presence of a child (other than an offence in Sch 2 (1))	Whatever the outcome of the proceedings, i.e. all records
s.38	Using intoxicating substance to commit an indictable offence (victim under 18)	Whatever the outcome of the proceedings, i.e. all records
s.38A	Spiking food or drink (victim under 18)	Whatever the outcome of the proceedings, i.e. all records
s.45 or s.45A	Female genital mutilation (victim under 18)	Whatever the outcome of the proceedings, i.e. all records
s.60E	Assaults at school	Whatever the outcome of the proceedings, i.e. all records

<i>Crimes (Domestic and Personal Violence) Act 2007</i>	Description of offence	Finding/outcome
s.13	Stalking (victim under 18)	Whatever the outcome of the proceedings, i.e. all records
<i>Prevention of Cruelty to Animals Act 1979</i>	Description of offence	Finding/outcome
s.6	Aggravated cruelty to animals	Whatever the outcome of the proceedings, i.e. all records
<i>Crimes Act 1900</i>	Description of offence	Finding/outcome
s.43A	Failure of person with parental responsibility to care for child	Proceedings commenced (other than where person found not guilty)
s.44	Failure to provide necessities of life (victim under 18)	Proceedings commenced (other than where found not guilty)
s. 530	Serious animal cruelty	Proceedings commenced (other than where person found not guilty)
<i>Children and Young Persons (Care and Protection) Act 1998</i>	Description of offence	Finding/outcome
s.227	Child and young person abuse	Proceedings commenced (other than where person found not guilty)
s.228	Neglect of children and young persons	Proceedings commenced (other than where person found not guilty)
s.231	Leaving children and young persons unsupervised in motor vehicles	Proceedings commenced (other than where person found not guilty)
<i>Drug Misuse and Trafficking Act 1985</i>	Description of offence	Finding/outcome
s.23A	Offences with respect to enhanced indoor cultivation of prohibited plants in the presence of children	Proceedings commenced, (other than where person found not guilty)
s.24(1A), (2A)	Exposure of children to the manufacture and production of prohibited drugs	Proceedings commenced (other than where person found not guilty)
s.25(1A)	Adult who supplies prohibited drugs to a person under 16	Proceedings commenced (other than where person found not guilty)
<i>Crimes Act 1900</i>	Description of offence	Finding/outcome
s. 61	Common assault (victim under 18)	Convictions

2. Findings of misconduct

A finding by a reporting body* that the following conduct occurred:

- (a) Sexual misconduct committed against, with or in the presence of a child, including grooming a child
- (b) Any serious physical assault of a child.

*A reporting body is defined and listed in section 34 of the [Child Protection \(Working With Children\) Act 2012](#). Additional reporting bodies are prescribed in clause 25 of the [Child Protection \(Working With Children\) Regulation 2013](#).

3. Notifications by the Ombudsman

The Ombudsman may make a notification of concern to the Office of the Children's Guardian, if on a risk assessment by the Children's Guardian, the Children's Guardian may be satisfied that the person poses a risk to the safety of children. A notification of concern arises as a result of the receipt of information by the Ombudsman in the course of exercising the Ombudsman's functions.

4. A pattern of behaviour

Convictions or pending charges for offences involving violence or sexual misconduct may also trigger a risk assessment if they indicate a pattern of behaviour that warrant an investigation because of child safety concerns.

Records do not need to be listed in Schedule 1 or 2 of the [Child Protection \(Working with Children\) Act 2012](#) to be considered in this type of risk assessment trigger.

More information

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:

[FACT SHEET: Disqualifying offences \(Schedule 2\)](#)

[FACT SHEET: Bars and appeals](#)

[Child Protection \(Working with Children\) Act 2012](#)

[Child Protection \(Working with Children\) Regulation 2013](#)

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