

## List of legislative changes

There are changes to the Working with Children scheme that have been made through the *Child Protection (Working with Children) Amendment (Statutory Review) Act 2018*. The changes impact the following Acts and Regulations:

- *Child Protection (Working with Children) Act 2012*
- Children and Young Persons (Care and Protection) Regulation 2012
- Child Protection (Working With Children) Regulation 2013.

Legislative change	Reference
<p>Working With Children Check applicants are required to notify the OCG of changes in their personal details within three months of any change.</p> <p>The maximum penalty is five penalty units if they fail to do this without reasonable excuse.</p>	<p>Section 36B</p>
<p>Definition of child related work being clarified by:</p> <ul style="list-style-type: none"> <li>• amending s6(1)(a) of the Act to clarify <i>that contact with children must be a usual part of and more than incidental to the child related work, and</i></li> <li>• inserting a new s6(3A) that will allow the regulations to provide for circumstances in which direct contact by a worker with a child or children is taken to be a usual part of and more than incidental to a worker's work.</li> </ul> <p>There are still some exemptions under Part 4 of the WWC Regulations.</p>	<p>Section 6(1)(a) Section 6(3A)</p>
<p>WWCC Regulations amended to clarify that work in Children's Health Services is deemed as requiring WWCC.</p>	<p>Cl6 of the WWCC Regulations</p>

Legislative change	Reference
<p>The Children's Guardian will have the discretion to allow a person who turns 18 while residing with an authorised carer, and who has been refused a WWCC clearance, to continue residing with the authorised carer in that placement if she is satisfied that an appropriate risk mitigation plan is in place.</p>	<p>Section 11D</p> <p>Children and Young Persons (Care and Protection) Regulation cl 3, 42D, 86A.</p>
<p>A definition of criminal history will be inserted at s5C and the term Criminal History will replace the term Criminal Record throughout the Act</p>	<p>Section 5C</p>
<p>The existence of a current order is now included in the list of factors to be considered by the Children's Guardian and NCAT when assessing and reviewing determinations of risk under sections 15(4)(i) and 30(1)(i) of the Act respectively.</p>	<p>Section 15(4)(i)</p> <p>Section 30(1)(i)</p>
<p>Section 9A creates an offence for the failure of an employer to verify workers in child related work without reasonable excuse.</p> <p>Maximum penalty of 100 penalty units applies in the case of a corporation and 50 penalty units in any other case.</p>	<p>Section 9A</p>
<p>Section 27 amended to require that interim stay orders made by NCAT that are subject to conditions can only be made if NCAT is satisfied that an appropriate mechanism for supervision of the order by the individual's employer is available.</p>	<p>Section 27</p>
<p>Non-government agencies are required to provide information relevant to an assessment of whether a person poses a risk to the safety of children in response to a request from the OCG under s31 of the Act.</p> <p>Maximum penalty of five penalty units for refusal to comply with an enforcement notice applies.</p>	<p>Section 31</p>
<p>All parents volunteering on overnight camps for children, at an activity in which their child normally participates, are required to have a WWCC by amendment of cl 20(2) of the WWC Regulation</p>	<p>Clause 20(2) of the WWC Regulation</p>
<p>The introduction of sections 50A and 50B will permit authorised officers of the OCG to issue a penalty notice for offences that are prescribed in the regulations as a penalty notice offence.</p> <p>Sections 9A and 9AA will be prescribed as penalty notice offences.</p>	<p>Section 50A and 50B</p> <p>Section 9A and 9AA</p>
<p>Definition of risk to the safety of children means a 'real and appreciable risk to the safety of children'</p>	<p>Section 5B</p>