

Working with Vulnerable People (Background Checking) Act 2011

Part 3 Requirement for registration

12 When is a person required to be registered?

(1) A person is required to be registered to engage in a regulated activity.

(2) However, a person is not required to be registered to engage in a regulated activity if the person is—

(a) under 16 years old; or

(b) engaged in the activity (other than an overnight camp for children) for not more than—

(i) 3 days in any 4-week period; and

(ii) 7 days in any 12-month period; or

(c) registered under a corresponding law and—

(i) the activity is substantially similar to a regulated activity the person is allowed to engage in under the corresponding law; and

(ii) the person is engaged in the activity for not more than 28 days in any 12-month period; or

(d) a close relative of each vulnerable person taking part in the activity with whom the person has contact; or

(e) engaged in the activity as a volunteer and—

(i) is a close relative of a vulnerable person taking part, or who normally takes part, in the activity; and

(ii) a close relative of each vulnerable person taking part in the activity is engaged, or expected to be engaged, in the activity; or

Examples

1 playgroup

2 a club sporting event for children at which a parent of each child is expected to be present

3 a pottery class for children in which a parent of each child also takes part

(f) engaged in the activity in the same capacity as a vulnerable person; or

Examples

1 players in a sporting team

2 work colleagues

(g) engaged in the activity as a school student on a work experience placement or doing practical training; or

- (h) an employer or supervisor of a vulnerable person, unless the vulnerable person is engaged in a regulated activity; or

Examples

1 A person supervising a school student on a work experience placement at a childcare centre is required to be registered.

2 A person supervising a school student on a work experience placement at an accounting firm is not required to be registered.

- (i) engaged in the activity as—

(i) a police officer, including a police officer (however described) of another jurisdiction; or

(ii) an AFP appointee within the meaning of the *Australian Federal Police Act 1979* (Cwlth); or

(iii) a health practitioner; or

(iv) a lawyer; or

(v) a staff member of, or volunteer for, an approved provider under the *Aged Care Act 1997* (Cwlth); or

(vi) a financial services licensee under the Corporations Act; or

- (j) engaged in the activity for a Commonwealth or Territory government agency and the only contact the person has with a vulnerable person is providing a service to the vulnerable person at a public counter or shopfront, or by telephone; or

Example

an administrative worker employed by Centrelink or Medicare

- (k) engaged in the activity and the only contact the person has with a vulnerable person is providing information to, or receiving information from, the vulnerable person by telephone; or

Example

an employee or volunteer working on a helpline or at a call centre

- (l) engaged in the activity and the only contact the person has with a vulnerable person is working with a record of the vulnerable person; or

- (m) engaged in the activity for a declared state of emergency; or

- (n) engaged in the activity for a Territory or national event and the commissioner declares that the person is not required to be registered for the activity; or

Examples—Territory or national event

1 *Paralympics*

2 *World Youth Day*

Note Commissioner means the commissioner for fair trading (see the dictionary).

(o) a person prescribed by regulation.

(3) A declaration is a disallowable instrument.

(4) In this section:

close relative, of a vulnerable person—

(a) means the vulnerable person's—

(i) domestic partner; or

(ii) father, mother, grandfather, grandmother, stepfather, stepmother, father-in-law or mother-in-law; or

(iii) son, daughter, grandson, granddaughter, stepson, stepdaughter, son-in-law or daughter-in-law; or

(iv) brother, sister, half-brother, half-sister, stepbrother, stepsister, brother-in-law or sister-in-law; or

(v) uncle, aunt, uncle-in-law or aunt-in-law; or

(vi) nephew, niece or cousin; but

(b) does not include a kinship carer under the *Children and Young People Act 2008*.

day includes part of a day.

school means a high school or secondary college.