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NEW SOUTH WALES

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LEGISLATION

Proclamations



New South Wales

Proclamation

under the

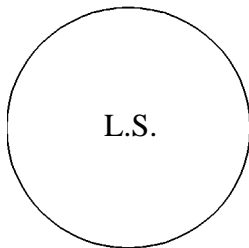
Commission for Children and Young People Amendment Act
2005 No 108

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Commission for Children and Young People Amendment Act 2005*, do, by this my Proclamation, appoint 2 January 2007 as the day on which the uncommenced provisions of that Act commence.

Signed and sealed at Sydney, this 20th day of December 2006.

By Her Excellency's Command,



L.S.

REBA MEAGHER, M.P.,
Minister for Youth

GOD SAVE THE QUEEN!

Rules



New South Wales

Children's Court (Miscellaneous Amendments) Rule 2006

under the

Children's Court Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Rule under the *Children's Court Act 1987*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Rule is to amend the *Children's Court Rule 2000* so as to make provision with respect to the following matters:

- (a) the approval of forms for use in connection with proceedings before the Children's Court,
- (b) the use of subpoenas in connection with proceedings before the Children's Court,
- (c) the service of documents for the purposes of proceedings before the Children's Court,
- (d) the delegation of Children's Court functions to a Registrar of the Children's Court,
- (e) matters arising under the *Child Protection (International Measures) Act 2006*.

This Rule is made in connection with the commencement of certain provisions of the *Children and Young Persons (Care and Protection) Amendment Act 2005*, the *Children and Young Persons (Care and Protection) Amendment Act 2006* and the *Child Protection (International Measures) Act 2006*.

This Rule is made under the *Children's Court Act 1987*, including section 23 (the general power to make rules of court).

Clause 1 Children's Court (Miscellaneous Amendments) Rule 2006

Children's Court (Miscellaneous Amendments) Rule 2006

under the

Children's Court Act 1987

1 Name of Rule

This Rule is the *Children's Court (Miscellaneous Amendments) Rule 2006*.

2 Commencement

This Rule commences on 1 January 2007.

3 Amendment of Children's Court Rule 2000

The *Children's Court Rule 2000* is amended as set out in Schedule 1.

Children's Court (Miscellaneous Amendments) Rule 2006

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert after clause 3 (2):

- (3) In this Rule, a reference to a numbered Form is a reference to the Form of that number set out in Schedule 1.

[2] Clause 11A

Insert after clause 11:

11A Delegation of functions

The Court may delegate to a Registrar the exercise of any of the functions conferred on the Court by this Rule, other than this power of delegation.

[3] Clause 18A

Insert after clause 18:

18A Forms

- (1) The Senior Children's Magistrate:
 - (a) may approve forms for documents to be used in connection with proceedings in the Court, and
 - (b) in the case of documents filed with the Court, or issued by the Court, by means of an ECM system within the meaning of the *Electronic Transactions Act 2000*, may approve the format in which such documents are to be filed or issued.
- (2) Copies of the approved forms are to be made available for public inspection at each registry of the Court and on the Court's internet website.
- (3) Subject to this Rule, if a form is approved in relation to a document to be used in connection with proceedings in the Court, a document that is filed with or issued by the Court is to be in that form.

Note. See section 80 of the *Interpretation Act 1987* with respect to compliance with approved forms. See also clause 20 of this Regulation with respect to certain application forms under the *Children and Young Persons (Care and Protection) Act 1998*.

Children's Court (Miscellaneous Amendments) Rule 2006

Schedule 1 Amendments

[4] Clause 20

Omit clause 20. Insert instead:

20 Application forms

- (1) Despite clause 18A, an application under section 45 of the *Children (Care and Protection) Act 1998* must be in writing, but need not be in any particular form.
- (2) Despite clause 18A:
 - (a) a care proceedings attendance notice under section 109A of the *Children and Young Persons (Care and Protection) Act 1998* must be in Form 2, and
 - (b) an arrest warrant under section 109M of the *Children and Young Persons (Care and Protection) Act 1998* must be in Form 3, and
 - (c) a warrant of commitment under section 109R of the *Children and Young Persons (Care and Protection) Act 1998* must be in Form 4.

[5] Part 6, new Division 6

Insert after Division 5 of Part 6:

Division 6 Subpoenas**30A Form of subpoena**

- (1) A subpoena must not be addressed to more than one person.
- (2) Unless the Court orders otherwise, a subpoena must identify the addressee by name or by description of office or position.
- (3) A subpoena for production must:
 - (a) identify the document or thing to be produced, and
 - (b) specify the date, time and place for production.
- (4) A subpoena to attend to give evidence must specify the date, time and place for attendance.
- (5) The date specified in a subpoena must be the date of the hearing to which it relates or any other date as permitted by the Court.
- (6) The place specified for production may be the Court or the address of any person authorised to take evidence in the proceeding as permitted by the Court.

Children's Court (Miscellaneous Amendments) Rule 2006

Amendments

Schedule 1

-
- (7) A subpoena must specify the last date for service of the subpoena, being a date not earlier than:
 - (a) 5 days, or
 - (b) any shorter or longer period as ordered by the Court and specified in the subpoena,before the date specified in the subpoena for compliance with it.
 - (8) The party on whose application a subpoena for production is issued must cause copies of the subpoena to be served not only on the person addressed in the subpoena but also on all of the other parties to the proceedings.

30B Setting aside or other relief

- (1) The Court may, on the application of a party or any person having a sufficient interest, set aside a subpoena in whole or in part.
- (2) An application under subclause (1) must be made on notice to the issuing party.
- (3) The Court may order that the applicant give notice of the application to any other party or to any other person having a sufficient interest.

30C Compliance with subpoena

- (1) An addressee need not comply with the requirements of a subpoena to attend to give evidence unless conduct money has been handed or tendered to the addressee a reasonable time before the date on which attendance is required.
- (2) An addressee need not comply with the requirements of a subpoena unless it is served on or before the date specified in the subpoena as the last date for service of the subpoena.
- (3) An addressee must comply with the requirements of a subpoena even if it has not been served personally on that addressee if the addressee has, by the last date for service of the subpoena, actual knowledge of the subpoena and of its requirements.
- (4) The addressee must comply with a subpoena for production:
 - (a) by attending at the date, time and place specified for production and producing the subpoena or a copy of it and the document or thing to the Court or to the person authorised to take evidence in the proceeding as permitted by the Court, or
 - (b) by delivering or sending the subpoena or a copy of it and the document or thing to the Registrar at the address

Children's Court (Miscellaneous Amendments) Rule 2006

Schedule 1 Amendments

specified for the purpose in the subpoena, so that they are received not less than 2 clear days before the date specified in the subpoena for attendance and production.

- (5) In the case of a subpoena that is both a subpoena to attend to give evidence and a subpoena for production, production of the subpoena or a copy of it and of the document or thing in any of the ways permitted by subclause (4) does not discharge the addressee from the obligation to attend to give evidence.

30D Production otherwise than on attendance

- (1) This clause applies if an addressee produces a document or thing in accordance with clause 30C (4) (b).
- (2) The Registrar must, if requested by the addressee, give a receipt for the document or thing to the addressee.
- (3) If the addressee produces more than one document or thing, the addressee must, if requested by the Registrar, provide a list of the documents or things produced.
- (4) The addressee may, with the consent of the issuing party, produce a copy, instead of the original, of any document required to be produced.
- (5) The addressee may at the time of production inform the Registrar in writing that any document or copy of a document produced need not be returned and may be destroyed.

30E Removal, return, inspection, copying and disposal of documents and things

The Court may give directions in relation to the removal from and return to the Court, and the inspection, copying and disposal, of any document or thing that has been produced to the Court in response to a subpoena.

[6] Part 6, existing Division 6

Renumber Division 6 as Division 7 and clause 30A as clause 30F.

[7] Clause 30F (as renumbered by item [6])

Omit "of Schedule 1" from clause 30F (6).

[8] Clauses 30G–30J

Insert after clause 30F (as renumbered by item [6]):

Children's Court (Miscellaneous Amendments) Rule 2006

Amendments

Schedule 1

30G Service of documents generally

- (1) Subject to this Rule, a document may be served on a person:
 - (a) by means of personal service, or
 - (b) by posting a copy of the document, addressed to the person, to the person's address for service, or
 - (c) by leaving a copy of the document, addressed to the person at the person's address for service, with a person who is apparently of or above the age of 16 years and apparently employed or residing at that address.
- (2) In the case of a person having an address for service that is a solicitor's office address, service of a document on the person may also be effected:
 - (a) if the notice advising the address for service includes a DX address, by leaving a copy of the document, addressed to the solicitor, in that DX box at that address or in another DX box for transmission to that DX box, or
 - (b) if the notice advising the address for service includes a fax number, by faxing a copy of the document to that number, or
 - (c) if the notice advising the address for service includes an electronic mail address, by transmitting an electronic copy of the document to that address.
- (3) Unless the contrary is proved, the time at which a document is taken to have been served is:
 - (a) in the case of a document that is left in a DX box in accordance with subclause (2) (a), at the end of the second day following the day on which the copy is so left, or
 - (b) in the case of a copy of a document that is faxed in accordance with subclause (2) (b), at the end of the first day following the day on which the copy is so faxed.

Note. See section 14M of the *Electronic Transactions Act 2000* as to when an electronic copy of a document is taken to have been delivered to an electronic mail address.

Children's Court (Miscellaneous Amendments) Rule 2006

Schedule 1 Amendments

30H Personal service required only in certain circumstances

- (1) Any document required or permitted to be served on a person in any proceedings may be personally served, but need not be personally served unless this Rule so requires or the Court so orders.
 - (2) Except as otherwise provided by this Rule:
 - (a) a care proceedings attendance notice must be personally served, and
 - (b) a subpoena for attendance must be served in one of the following ways:
 - (i) it may be personally served on the person to whom it is directed,
 - (ii) it may be left, addressed to the person to whom it is directed, at that person's business or residential address, with a person who is apparently of or above the age of 16 years and apparently employed or residing at that address, and
 - (c) a subpoena for production must be served in one of the following ways:
 - (i) it may be served personally on the person to whom it is directed,
 - (ii) it may be left, addressed to the person to whom it is directed, at that person's business or residential address, with a person who is apparently of or above the age of 16 years and apparently employed or residing at that address,
 - (iii) it may be sent by post, addressed to the person to whom it is directed, to the person's business or residential address in an envelope marked with the return address of the party at whose request the subpoena was issued.
- Note.** As to service by post, see section 76 of the *Interpretation Act 1987*.
- (3) If the postal authority returns, as having not been delivered, an envelope, posted as referred to in subclause (2) (c) (iii), to the party by whom or on whose behalf it was posted:
 - (a) service of the document contained in the envelope is taken not to have been effected, and
 - (b) any decision made on the basis of that service is to be set aside.

Children's Court (Miscellaneous Amendments) Rule 2006

Amendments

Schedule 1

30I How personal service effected

- (1) Personal service of a document on a person is effected by leaving a copy of the document with the person or, if the person does not accept the copy, by putting the copy down in the person's presence and telling the person the nature of the document.
- (2) If, by violence or threat of violence, a person attempting service is prevented from approaching another person for the purpose of delivering a document to the other person, the person attempting service may deliver the document to the other person by leaving it as near as practicable to that other person.
- (3) Service in accordance with subclause (2) is taken to constitute personal service.

30J Substituted and informal service

- (1) If a document that is required or permitted to be served on a person in connection with any proceedings:
 - (a) cannot practicably be served on the person, or
 - (b) cannot practicably be served on the person in the manner provided by law,the Court may, by order, direct that, instead of service, such steps be taken as are specified in the order for the purpose of bringing the document to the notice of the person concerned.
- (2) An order under this clause may direct that the document be taken to have been served on the person concerned on the happening of a specified event or on the expiry of a specified time.
- (3) If steps have been taken, otherwise than under an order under this clause, for the purpose of bringing the document to the notice of the person concerned, the Court may, by order, direct that the document be taken to have been served on that person on a date specified in the order.
- (4) Service in accordance with this clause is taken to constitute personal service.

Children's Court (Miscellaneous Amendments) Rule 2006

Schedule 1 Amendments

[9] Part 7A

Insert after Part 7:

Part 7A Matters arising under the Child Protection (International Measures) Act 2006**32B Registration of foreign personal protection measures**

- (1) A foreign personal protection measure that a person gives to a Registrar for registration under section 25 of the *Child Protection (International Measures) Act 2006* must be accompanied by a notice of the person's address for service in accordance with Form 1.
- (2) Registration of a foreign personal protection measure is effected by sealing it with the seal of the Court and endorsing it, under the signature of the Registrar, with the date on which it was so sealed.

32C Applications for orders

- (1) Part 6 applies to an application that is made to the Court for an order under the *Child Protection (International Measures) Act 2006*, and to proceedings on such an application, in the same way as it applies to a care application and to proceedings on a care application.
- (2) In addition to the other matters that such an application is required to specify, an application referred to in subclause (1) must be accompanied by a copy of the foreign personal protection measure to which the application relates.
- (3) It is sufficient compliance with subclause (2) if, after the application is filed, a copy of the foreign personal protection measure is annexed to the application by the Registrar.

[10] Schedule 1 Forms

Omit "(Clause 30A)".

[11] Schedule 1, Form 1

Insert "(Clauses 30F and 32B)" immediately below, and to the right of, the heading to Form 1.

Children's Court (Miscellaneous Amendments) Rule 2006

Amendments

Schedule 1

[12] **Schedule 1, Forms 2, 3 and 4**

Insert after Form 1:

Form 2 Care proceedings attendance notice

(Clause 20)

Court details

Court:

Registry:

Case number:

Title of proceedings

Applicant:

Child/Young person:

Hearing details

Date:

Time:

Place:

Order to attend court

Name:

Address:

The Children's Court has ordered you to attend Court in relation to these care proceedings at the time, date and place specified in the hearing details.

Failure to attend may result in your arrest, and if you are a respondent to these proceedings, the Children's Court may deal with the proceedings in your absence.

*Children's Magistrate's/Registrar's Signature:

Name of *Children's Magistrate/Registrar:

Date:

At:

* *Delete whichever does not apply.*

Children's Court (Miscellaneous Amendments) Rule 2006

Schedule 1 Amendments

Form 3 Arrest warrant

(Clause 20)

Court details

Court:

Registry:

Case number:

Title of proceedings

Applicant:

Child/Young person:

Details of person to be arrested

Name:

Address:

Date of birth:

Order

The Children's Court has ordered that [*name of person to be arrested*] be arrested and brought before the Court in relation to these care proceedings. The Children's Court has ordered the arrest of the person on the following grounds:

- (a) *the person failed to attend as required by a care proceedings attendance notice, or
- (b) *the person absconded from care proceedings, or
- (c) **[give other reasons]*.

Direction

This warrant commands all police officers in the State of New South Wales to arrest the person named in this warrant and take and safely convey the person to the Children's Court or, if this is not practicable, before a Registrar.

This warrant is returnable before the Children's Court at [*place*] on [*time*], [*date*] and must not be executed after this time.

*Children's Magistrate's/Registrar's Signature:

Name of *Children's Magistrate/Registrar:

Date:

At:

* *Delete whichever does not apply.*

Children's Court (Miscellaneous Amendments) Rule 2006

Amendments

Schedule 1

Form 4 Warrant of commitment for refusal to give evidence

(Clause 20)

Court details

Court:

Registry:

Case number:

Title of proceedings

Applicant:

Child/Young person:

Details of witness

Name:

Address:

Date of birth:

Sentencing order

Period of imprisonment:

Commencing date:

Expiration date:

The Children's Court has ordered that the above witness be committed to imprisonment for a period not exceeding 7 days from the date of sentence. The Court has further ordered that the witness be brought to the Court to be released before the expiration of 7 days if the person:

- (a) consents to be examined on oath and to answer questions concerning the subject matter of the proceedings, or
- (b) produces the document or thing required under the terms of the subpoena.

Direction

This warrant commands all police officers in the State of New South Wales to take and safely convey the witness to the *General Manager of the Correctional Centre/Centre Manager of the Detention Centre/place of security at [*location*] in the said State.

I command the *General Manager/Centre Manager to receive and imprison the witness and keep the witness in accordance with the imprisonment imposed by the Court.

Children's Court (Miscellaneous Amendments) Rule 2006

Schedule 1 Amendments

*Children's Magistrate's/Registrar's Signature:

Name of *Children's Magistrate/Registrar:

Date:

At:

* *Delete whichever does not apply.*

OFFICIAL NOTICES**Appointments****ABORIGINAL LAND RIGHTS ACT 1983****NOTICE**

I, the Honourable Reba Meagher MP, Minister for Aboriginal Affairs, give notice that, on 1 November 2006, with the approval of the New South Wales Aboriginal Land Council ("NSWALC"), pursuant to section 222 (1) of the Aboriginal Land Rights Act 1983 (the Act), Mr Peter HILLIG was appointed as administrator for the Darkinjung Local Aboriginal Land Council for a period of twelve (12) calendar months from 2 November 2006. During the period of his appointment, the Administrator will have all of the functions of the Darkinjung Local Aboriginal Land Council and any other duties as specified by the instrument of appointment. The Administrator's remuneration and expenses are not to exceed \$530,000 excluding GST without the prior approval of NSWALC. The Administrator's remuneration may include fees payable for the services of other personnel within the Administrator's firm who provide services as agents of the Administrator.

Signed and sealed this 14th day of December 2006.

REBA MEAGHER, M.P.,
Minister for Aboriginal Affairs

GOD SAVE THE QUEEN

**PUBLIC SECTOR EMPLOYMENT AND
MANAGEMENT ACT 2002**

Appointment of Acting Director-General,
NSW Department of Primary Industries

I, IAN MACDONALD, M.L.C., Minister for Primary Industries, pursuant to section 13 of the Public Sector Employment and Management Act 2002 appoint Mr Alan COUTTS as Acting Director-General of NSW Department of Primary Industries during the absence of Mr Barry Buffier from 27 December 2006 until 16 January 2007 inclusive.

Dated this 19th day of December 2006.

IAN MACDONALD, M.L.C.,
Minister for Primary Industries

Department of Lands

ARMIDALE OFFICE
108 Faulkner Street (PO Box 199A), Armidale NSW 2350
Phone: (02) 6772 5488 Fax (02) 6771 5348

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder are appointed, for the terms of office specified in that Column, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

TONY KELLY, M.L.C.,
 Minister for Lands

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
John TESORIERO (new member)	Myall Creek Public Hall and Recreation	Reserve No. 54198 Public Purpose: Public Recreation
John GAMPER (new member)	Reserve Trust	Notified: 1 October 1920 Reserve No. 55752 Public Purpose: Public Hall Notified: 20 October 1922 File Reference: AE80 R 55

For a term commencing
 1 January 2007 and
 expiring 31 December 2011.

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Ian RENNIE (re-appointment)	Woolbrook Recreation Reserve Trust	Reserve No. 46983 Public Purpose: Public Recreation Notified: 6 September 1911 File Reference: AE81 R 113

For a term commencing
 1 January 2007 and
 expiring 31 December 2011.

GOULBURN OFFICE**159 Auburn Street (PO Box 748), Goulburn NSW 2580****Phone: (02) 4828 6725 Fax: (02) 4828 6730****RESERVATION OF CROWN LAND**

PURSUANT to section 87 of the Crown Lands Act 1989, the Crown land specified in Column 1 of the schedule hereunder is reserved as specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE*COLUMN 1*

Land District: Yass
Local Government Area:
Yass Valley Council
Locality: Yass
Lot 278, DP 754868,
Parish Bedulluck,
County Murray
Lot 279, DP 754868,
Parish Bedulluck,
County Murray
Area: About 7.689ha
File Reference: GB82 H 363

COLUMN 2

Reserve No. 1012829
Public Purpose: Future
Public Requirements

SCHEDULE*COLUMN 1*

Land District: Crookwell
Local Government Area:
Upper Lachlan Council
Locality: Bigga
Lot 183, DP 753011,
Parish Bigga, County Georgiana
Area: About 20ha
File Reference: GB03 H 503

COLUMN 2

Reserve No. 1012830
Public Purpose: Future
Public Requirements

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder are appointed, for the terms of office specified in that Column, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE*COLUMN 1*

Lorna Joan
LANGFIELD
(new member)

COLUMN 2

Koorawatha
Showground
Trust

COLUMN 3

Reserve No. 30102
Public Purpose: Public
Recreation
Notified: 28 October 1899
File Reference: GB80 R 209

For a term commencing
the date of this notice and
expiring 14 September 2011.

GRAFTON OFFICE
76 Victoria Street (Locked Bag 10), Grafton NSW 2460
Phone: (02) 6640 3400 Fax: (02) 6642 5375

**APPOINTMENT OF ADMINISTRATOR TO
MANAGE A RESERVE TRUST**

PURSUANT to section 117, Crown Lands Act, 1989, the person specified in Column 1 of the Schedule hereunder is appointed as administrator for the term also specified in Column 1, of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Geoff FIRKIN	Boambee Creek Park Reserve Trust	Reserve No. 84835 Public Purpose: Public Recreation Notified: 10 April 1964 File Reference: GF81 R 212

For a term commencing
16 January 2007 and
expiring 15 July 2007.

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Geoff FIRKIN	Moonee Beach Public Recreation Reserve Trust	Reserve No. 64933 Public Purpose: Public Recreation, Resting Place Notified: 23 November 1934 Reserve No. 1003022 Public Purpose: Environmental Protection Notified: 6 September 2002 File Reference: GF80 R 78

For a term commencing
16 January 2007 and
expiring 15 July 2007.

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Geoff FIRKIN	Morgo Street Reserve Trust	Reserve No. 82452 Public Purpose: Public Recreation Notified: 1 April 1960 File Reference: GF81 R 381

For a term commencing
16 January 2007 and
expiring 15 July 2007.

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder are appointed, for the terms of office specified in that Column, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Johnathan KALEY (new member) Richard John BELL (new member)	Rileys Hill Dry Dock Heritage Reserve Trust	Reserve No. 1004288 Public Purpose: Tourist Facilities and Services Notified: 14 February 2003 File Reference: GF03 R 9

For a term commencing
the date of this notice and
expiring 4 September 2008.

WESTERN DIVISION OFFICE
45 Wingewarra Street (PO Box 1840), Dubbo NSW 2830
Phone: (02) 6883 3000 Fax: (02) 6883 3099

**APPOINTMENT OF ADMINISTRATOR TO
MANAGE A RESERVE TRUST**

PURSUANT to section 117, Crown Lands Act, 1989, the person specified in Column 1 of the Schedule hereunder is appointed as administrator for the term also specified in Column 1, of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Geoffry Bruce CULLENWARD	Menindee Lakes Park Trust	Reserve No. 83184 Public Purpose: Public Recreation Notified: 19 May 1961 File Ref.: WL90 R 65/4

For a term commencing
the date of this notice and
expiring 28 June 2007.

ESTABLISHMENT OF RESERVE TRUST

PURSUANT to section 92 (1) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder is established under the name stated in that Column and is appointed as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

COLUMN 1	COLUMN 2
Wentworth Girl Guides Reserve Trust	Reserve No. 32016 Public Purpose: Public Buildings Notified: 18 January 1901 File Ref.: WL98 R 1430/1

**APPOINTMENT OF CORPORATION TO MANAGE
RESERVE TRUST**

PURSUANT to section 95 of the Crown Lands Act 1989, the corporation specified in Column 1 of the Schedule hereunder is appointed to manage the affairs of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Girl Guides Association of Victoria	Wentworth Girl Guides Reserve Trust	Reserve No. 32016 Public Purpose: Public Buildings Notified: 18 January 1901 File Ref.: WL98 R 1430/1

**ALTERATION OF CONDITIONS OF A WESTERN
LANDS LEASE**

IT is hereby notified that in pursuance of the provisions of section 18J, Western Lands Act 1901, the conditions of the undermentioned Western Lands Lease has been altered as shown.

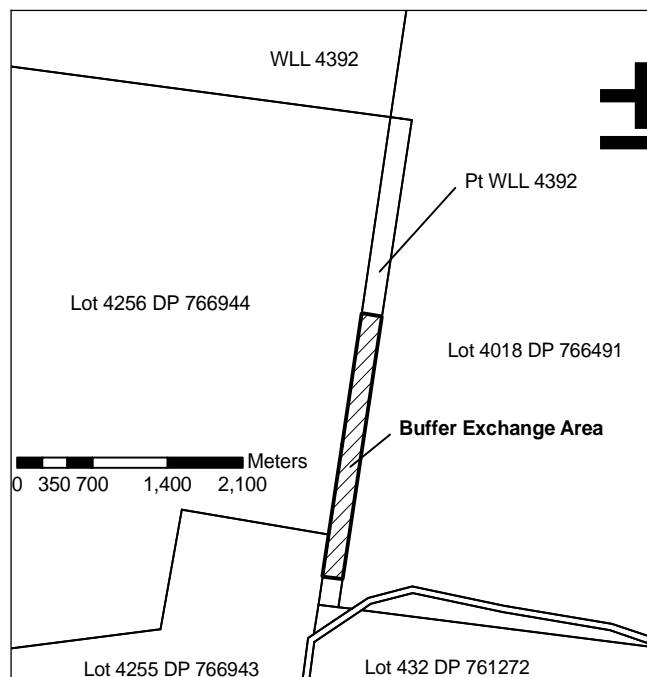
IAN MACDONALD M.L.C.,
Minister for Natural Resources

*Administrative District – Brewarrina; Shire – Brewarrina
Parish – Collywarry – Narran*

The conditions of Western Lands Lease 4392 being the land contained within Folio Identifier's 2183/764165 and 2686/764766 have been altered effective from 14 November 2006 by the inclusion of the following special condition.

**SPECIAL CONDITION ATTACHING TO WESTERN
LANDS LEASE 4392**

The area totalling 47 hectares, being a strip of 195 metres wide adjoining the Western boundary of Lot 4018 and the Eastern boundary of Lot 4256 as shown hatched on the diagram hereunder, shall not be cleared or cultivated and the lessees acknowledges that the Commissioner or the Minister will not grant any consent for clearing or cultivation over that area.



Department of Natural Resources

WATER MANAGEMENT ACT 2000

Order under Section 60 (2)

Severe Water Shortage

Hunter Regulated River Water Source

PURSUANT to section 60 (2) of the Water Management Act 2000, I, Richard Sheldrake, Director General of the Department of Natural Resources, on being satisfied that there exists a severe water shortage in the Hunter Regulated River Water Source as defined in the Water Sharing Plan for the Hunter Regulated River Water Source 2003, does, by this Order, suspend the rules of distribution in section 60 (1) of that Act and insert instead the rules of distribution in section 60 (3) of that Act in relation to the water source.

This Order takes effect from the date it is published in the government gazette and remains in force until repealed.

Dated at Sydney this 22 day of December 2006.

RICHARD SHELDRAKE,
Director General,
Department of Natural Resources
(by delegation)

Department of Primary Industries

FISHERIES MANAGEMENT (GENERAL) REGULATION 2002

Instrument of Delegation

I, B. D. BUFFIER, Director-General, pursuant to section 228 of the Fisheries Management Act 1994, hereby delegate all my functions under sections 34Q, 34R and 34S to the persons who from time to time hold the following positions:

Director, Wild Harvest Fisheries
Manager, Fisheries Planning and Operations
Manager, Fisheries Business Services
Manager, Fisheries Management Services

Dated this 21st day of December 2006.

B. D. BUFFIER,
Director-General,
NSW Department of Primary Industries

Roads and Traffic Authority

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Clause 20 the Road Transport (Mass, Loading and Access) Regulation 2005

COWRA SHIRE COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

General Manager,
Cowra Shire Council
(by delegation from the Minister for Roads)
20 December 2006

SCHEDULE

1. Citation

This Notice may be cited as Cowra Shire Council 25 Metre B-Double Notice No 2/2006

2. Commencement

This Notice takes effect on the date of gazettal

3. Effect

This Notice remains in force until 30 September 2010 unless it is amended or repealed earlier.

4. Application

This Notice applies to those B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25	000	Campbell Street, Cowra	Mid Western Highway {H6}	Day Street	

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Clause 20 the Road Transport (Mass, Loading and Access) Regulation 2005

CITY OF RYDE, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 19m B-Doubles exceeding 50.0 tonne vehicles may be used subject to any requirements or conditions set out in the Schedule.

WARREN LATHAM,
Manager- Access Facilities and Services,
City of Ryde
(by delegation from the Minister for Roads)
27 October 2006

SCHEDULE

1. Citation

This Notice may be cited as the City of Ryde council Notice No 1/2006

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 30 September 2010 unless it is amended or repealed earlier.

4. Application

This Notice applies to those 19m B-Doubles exceeding 50.0 tonnes which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

<i>Type</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>
19	Cressy Road, Ryde	Victoria Road	Buffalo Road
19	Buffalo Road, Ryde	Cressy Road	Ryde Bus Depot

Other Notices

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making of a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised traineeship vocation of Hide Skin and Leather Processing.

CITATION

The order is cited as the Hide Skin and Leather Processing Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time

Training shall be given for a nominal term of:

<i>Qualification</i>	<i>Nominal Term</i>
Certificate II	12 months
Certificate III	
– when the Certificate II in Hide Skin and Leather Processing has been completed	12 months
– by direct entry	24 months

or until achievement of the relevant competencies to this Vocational Training Order is demonstrated

(ii) Part-time

(a) School based traineeships

In the case of school-based part-time traineeships, trainees will undertake structured training for a minimum of 100 days across a twenty-four (24 month) period within which trainees shall be required to demonstrate competencies relevant to the Vocational Training Order.

Training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements will be established in accordance with the relevant Vocational Training Guideline.

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Non school based

The nominal term for a part time, non school based traineeship is determined by the average weekly hours worked in the traineeship (including structured training) and the nominal full-time term for that traineeship.

The table below identifies the allowable hours which may be undertaken and the nominal terms for part-time, non school based traineeships.

Full-time Traineeship Term	6 mths	12 mths	18 mths	24 mths	30 mths	36 mths	48 mths
Weekly Hours	Nominal Term Required (Months)						
15	15	30	45	Not Allowable			
16	15	29	44	Not Allowable			
17	14	28	42	Not Allowable			
18	14	27	41	Not Allowable			
19	13	26	39	Not Allowable			
20	13	25	38	Not Allowable			
21	12	24	36	48	Not Allowable		
22	12	23	35	46	Not Allowable		
23	11	22	33	44	55	Not Allowable	
24	11	21	32	42	53	Not Allowable	
25	10	20	30	40	50	60	Not Allowable
26	10	19	29	38	48	57	Not Allowable
27	9	18	27	36	45	54	72
28	9	17	26	34	43	51	68
29	8	16	24	32	40	48	64
30	8	15	23	30	38	45	60
31	Not Allowable		22	28	35	42	56
32	Not Allowable		20	26	33	39	52

(b) Competency outcomes

Trainees will be trained in and achieve competence in the endorsed National Hide Skin and Leather Processing Competency Standards.

(c) Courses of study to be undertaken

Trainees will undertake the following courses of study:

Certificate II in Hide Skin and Leather Processing LMT21300

Certificate III in Hide Skin and Leather Processing LMT31000

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND APPRENTICESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Apprenticeship Act 2001 has made the following Vocational Training Order in relation to the recognised trade vocation of Hairdressing Trade.

CITATION

The Order is cited as the Hairdressing Trade Order.

ORDER

A summary of the Order is given below.

(a) Term of training**(i) Full-time apprenticeships**

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake a minimum of 100 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and achieve competence in the relevant units of competence specified in the Hairdressing Training Package WRH06.

(c) Courses of Study to be undertaken

Apprentices will undertake the following course:

Certificate III in Hairdressing – National Code No: WRH30106

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any Industry Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001**Notice of Making a Vocational Training Order**

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Automotive (Automotive Parts Interpreter Specialist)

CITATION

The order is cited as the Automotive Trade (Automotive Parts Interpreter Specialist) Order.

ORDER

A summary of the Order is given below.

(a) Term of training**(i) Full-time apprenticeships**

Training shall be given for a nominal period of four (4) years or until achievement of the relevant

competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake a minimum of 100 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed AUR05 Automotive Industry Retail, Service & Repair Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the AUR31005 Certificate III in Automotive Sales (Parts Interpreting) from the AUR05 Automotive Industry Retail, Service & Repair Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001**Notice of Making a Vocational Training Order**

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Automotive (Brake Mechanic).

CITATION

The order is cited as the Automotive Trade (Brake Mechanic) Order.

ORDER

A summary of the Order is given below.

(a) Term of training**(i) Full-time apprenticeships**

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake a minimum of 100 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed AUR05 Automotive Industry Retail, Service & Repair Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the AUR30365 Certificate III in Automotive Specialist (Brake) from the AUR05 Automotive Industry Retail, Service & Repair Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Automotive (Electrical).

CITATION

The order is cited as the Automotive Trade (Electrical) Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake a minimum of 100 days of work-based training; and

- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed AUR05 Automotive Industry Retail, Service & Repair Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the AUR30305 Certificate III in Automotive Electrical Technology (Electronics) from the AUR05 Automotive Industry Retail, Service & Repair Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Automotive (Engine Reconditioning).

CITATION

The order is cited as the Automotive Trade (Engine Reconditioning) Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake a minimum of 100 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed AUR05 Automotive Industry Retail, Service & Repair Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the AUR30365 Certificate III in Automotive Specialist (Engine Reconditioning) from the AUR05 Automotive Industry Retail, Service & Repair Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Automotive (Heavy Vehicle Mechanical) (Agricultural).

CITATION

The order is cited as the Automotive Trade (Heavy Vehicle Mechanical) (Agricultural) Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake a minimum of 100 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed AUR99 or AUR05 Automotive Industry Retail, Service & Repair Training Packages.

(c) Courses of study to be undertaken

Apprentices will undertake the:

- AUR30405 Certificate III in Automotive Mechanical Technology (Agricultural Mechanical) from the AUR05 Automotive Industry Retail, Service & Repair Training Package or
- AUR30999 Certificate III in Automotive (Heavy Vehicle Mechanical) (Agriculture) from the AUR99 Automotive Industry Retail, Service and Repair Training Package. The qualification AUR30999 will be valid until 30 June 2006 and applicable only to enable the articulation of students from the TradeStart@TAFENSW and Pre-Vocational Programs completed in late 2005.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Automotive (Heavy Vehicle Mechanical) (Industrial).

CITATION

The order is cited as the Automotive Trade (Heavy Vehicle Mechanical) (Industrial) Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake a minimum of 100 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed AUR05 Automotive Industry Retail, Service & Repair Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the AUR30405 Certificate III in Automotive Mechanical Technology (Heavy Vehicle Mobile Equipment) from the AUR05 Automotive Industry Retail, Service & Repair Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the declared trade of Automotive (Heavy Vehicle Mechanical) (Road Transport).

CITATION

The order is cited as the Automotive (Heavy Vehicle Mechanical) (Road Transport) Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake a minimum of 100 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed AUR99 or AUR05 Automotive Industry Retail, Service & Repair Training Packages.

(c) Courses of study to be undertaken

Apprentices will undertake the:

- AUR30405 Certificate III in Automotive Mechanical Technology (Heavy Vehicle Road Transport) from the AUR05 Automotive Industry Retail, Service & Repair Training Package or
- AUR30899 Certificate III in Automotive (Heavy Vehicle Mechanical) (Road Transport) from the AUR99 Automotive Industry Retail, Service and Repair Training Package. The qualification AUR30899 will be valid until 30 June 2006 and applicable only to enable the articulation of students from the TradeStart@TAFENSW and Pre-Vocational Programs completed in late 2005.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the declared trade of Automotive (Light Vehicle – Mechanical).

CITATION

The order is cited as the Automotive (Light Vehicle – Mechanical) Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake a minimum of 100 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed AUR99 or AUR05 Automotive Industry Retail, Service & Repair Training Packages.

(c) Courses of study to be undertaken

Apprentices will undertake the:

- AUR30405 Certificate III in Automotive Mechanical Technology (Light Vehicle) from the AUR05 Automotive Industry Retail, Service & Repair Training Package or
- AUR31099 Certificate III in Automotive (Mechanical – Light Vehicle) from the AUR99 Automotive Industry Retail, Service and Repair Training Package. The qualification AUR31099 will be valid until 30 June 2006 and applicable only to enable the articulation of students from the TradeStart@TAFENSW and Pre-Vocational Programs completed in late 2005.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Automotive (Marine Mechanical).

CITATION

The order is cited as the Automotive Trade (Marine Mechanical) Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake a minimum of 100 days of work-based training; and

- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed AUR05 Automotive Industry Retail, Service & Repair Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the AUR30505 Certificate III in Marine (Mechanical) from the AUR05 Automotive Industry Retail, Service & Repair Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Automotive (Motor Cycle Mechanical).

CITATION

The order is cited as the Automotive Trade (Motor Cycle Mechanical) Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake a minimum of 100 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed AUR05 Automotive Industry Retail, Service & Repair Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the AUR30405 Certificate III in Automotive Mechanical Technology (Motorcycle) from the AUR05 Automotive Industry Retail, Service & Repair Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Automotive (Panel Beating).

CITATION

The order is cited as the Automotive Trade (Panel Beating) Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake a minimum of 100 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed AUR99 or AUR05 Automotive Industry Retail, Service & Repair Training Packages.

(c) Courses of study to be undertaken

Apprentices will undertake the:-

- AUR30805 Certificate III in Automotive Vehicle Body (Panel Beating) from the AUR05 Automotive Industry Retail, Service & Repair Training Package or
- AUR31699 Certificate III in Automotive (Vehicle Body – Panel Beating) from the AUR99 Automotive Industry Retail, Service and Repair Training Package. The qualification AUR31699 will be valid until 30 June 2006 and applicable only to enable the articulation of students from the TradeStart@TAFENSW and Pre-Vocational Programs completed in late 2005.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Automotive (Transport Trimming).

CITATION

The order is cited as the Automotive Trade (Transport Trimming) Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake a minimum of 100 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed AUR05 Automotive Industry Retail, Service & Repair Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the AUR30805 Certificate III in Automotive Vehicle Body (Vehicle Trimming) from the AUR05 Automotive Industry Retail, Service & Repair Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Automotive (Vehicle Body Building).

CITATION

The order is cited as Automotive Trade (Vehicle Body Building) Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake a minimum of 100 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed AUR05 Automotive Industry Retail, Service & Repair Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the AUR30805 Certificate III in Automotive Vehicle Body (Body Building) from the AUR05 Automotive Industry Retail, Service & Repair Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Automotive (Vehicle Painting).

CITATION

The order is cited as the Automotive Trade (Vehicle Painting) Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake a minimum of 100 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed AUR99 or AUR05 Automotive Industry Retail, Service & Repair Training Packages.

(c) Courses of study to be undertaken

Apprentices will undertake the:

- AUR30805 Certificate III in Automotive Vehicle Body (Vehicle Painting) from the AUR05 Automotive Industry Retail, Service & Repair Training Package or
- AUR31899 Certificate III in Automotive (Vehicle Body – Vehicle Painting) from the AUR99 Automotive Industry Retail, Service and Repair Training Package. The qualification AUR31899 will be valid until 30 June 2006 and applicable only to enable the articulation of students from the TradeStart@TAFENSW and Pre-Vocational Programs completed in late 2005.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the declared trade of Automotive Manufacturing Bus, Truck and Trailer.

CITATION

The order is cited as the Automotive Manufacturing Bus, Truck and Trailer Order.

Order

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake a minimum of 100 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed AUM00 Automotive Industry Manufacturing Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the AUM35101 Certificate III in Automotive Manufacturing (Bus, Truck and Trailer) from the AUM00 Automotive Industry Manufacturing Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Automotive Mechanical (Forklift Maintenance).

CITATION

The order is cited as the Automotive Trade Mechanical (Forklift Maintenance) Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake a minimum of 100 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed AUR05 Automotive Industry Retail, Service & Repair Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the AUR30365 Certificate III in Automotive Specialist (Forklift Mechanical) from the AUR05 Automotive Industry Retail, Service & Repair Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Automotive Vehicle Body (Vehicle Glazing).

CITATION

The order is cited as the Automotive Trade Vehicle Body (Vehicle Glazing) Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake a minimum of 100 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed AUR05 Automotive Industry Retail, Service & Repair Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the AUR30805 Certificate III in Automotive Body Vehicle (Vehicle Glazing) from the AUR05 Automotive Industry Retail, Service & Repair Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Bricklaying.

CITATION

The order is cited as the Bricklaying Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake 144 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed BCG03 General Construction Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the BCG30103 Certificate III in Bricklaying/Blocklaying from the BCG03 General Construction Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Carpentry and Joinery.

CITATION

The order is cited as the Carpentry and Joinery Order.

ORDER

A summary of the Order is given below.

(a) Term of training**(i) Full-time apprenticeships**

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake 144 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed BCG03 General Construction Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the BCG30203 Certificate III in Carpentry from the BCG03 General Construction Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Construction Carpentry.

CITATION

The order is cited as the Construction Carpentry Order.

ORDER

A summary of the Order is given below.

(a) Term of training**(i) Full-time apprenticeships**

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake 144 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the TAFE NSW accredited course National Code 91166NSW Certificate III in Formwork and Falsework.

(c) Courses of study to be undertaken

Apprentices will undertake the 91166NSW Certificate III in Formwork and Falsework.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001 has made the following Vocational Training Order in relation to the recognised trade vocation of Joinery.

CITATION

The order is cited as the Joinery Trade Order.

ORDER

A summary of the Order is given below.

(a) Term of training**(i) Full-time apprenticeships**

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake 144 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed BCF00 Off-site Construction Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the BCF30200 Certificate III in Off-site Construction (Joinery- Timber/Aluminium/Glass) from the BCF00 Off-site Construction Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001**Notice of Making a Vocational Training Order**

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Painting and Decorating.

CITATION

The order is cited as the Painting and Decorating Order.

ORDER

A summary of the Order is given below.

(a) Term of training**(i) Full-time apprenticeships**

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake 144 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed BCG03 General Construction Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the BCG30603 Certificate III in Painting and Decorating from the BCG03 General Construction Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001**Notice of Making a Vocational Training Order**

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Roof Tiling.

CITATION

The order is cited as the Roof Tiling Order.

ORDER

A summary of the Order is given below.

(a) Term of training**(i) Full-time apprenticeships**

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake 144 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed BCG03 General Construction Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the BCG30803 Certificate III in Roof Tiling from the BCG03 General Construction Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001 has made the following Vocational Training Order in relation to the recognised trade vocation of Shopfitting.

CITATION

The order is cited as the Shopfitting Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake 144 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed BCF00 Off-site Construction Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the BCF30100 Certificate III in Off-site Construction (Shopfitting) from the BCF00 Off-site Construction Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001 has made the following Vocational Training Order in relation to the recognised trade vocation of Signcraft.

CITATION

The order is cited as the Signcraft Trade Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake 144 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required

to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed BCF00 Off-site Construction Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the BCF30700 Certificate III in Off-site Construction (Sign Writing/Computer Operations) from the BCF00 Off-site Construction Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Solid Plastering.

CITATION

The order is cited as the Solid Plastering Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake 144 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed BCG03 General Construction Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the BCG31003 Certificate III in Solid Plastering from the BCG03 General Construction Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001 has made the following Vocational Training Order in relation to the recognised trade vocation of Stonemasonry.

CITATION

The order is cited as the Stonemasonry Trade Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake 144 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed BCF00 Off-site Construction Training Package.

(c) Courses of Study to be undertaken

Apprentices will undertake the BCF30600 Certificate III in Stonemasonry (Monumental/Installation) from the BCF00 Off-site Construction Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Wall and Ceiling Lining.

CITATION

The order is cited as the Wall and Ceiling Lining Order.

ORDER

A summary of the Order is given below.

(a) Term of training**(i) Full-time apprenticeships**

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake 144 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed BCG03 General Construction Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the BCG31203 Certificate III in Wall and Ceiling Lining from the BCG03 General Construction Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Wall and Floor Tiling.

CITATION

The order is cited as the Wall and Floor Tiling Order.

ORDER

A summary of the Order is given below.

(a) Term of training**(i) Full-time apprenticeships**

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake 144 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed BCG03 General Construction Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the BCG31303 Certificate III in Wall and Floor Tiling from the BCG03 General Construction Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Plumbing, Gasfitting & Draining.

CITATION

The order is cited as the Plumbing, Gasfitting & Draining Order.

ORDER

A summary of the Order is given below.

(a) Term of training**(i) Full-time apprenticeships**

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake 180 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed BCP03 Plumbing and Services Industry Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the BCP30103 Certificate III in Plumbing from the BCP03 Plumbing and Services Industry Training Package.

(d) Licensing requirements

For the purposes of registration as a Plumber, Gasfitter and Drainer, the attached table sets out the required pathway. This pathway meets the requirements of the BCP03 Plumbing Services Training Package and also the NSW Office of Fair Trading.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001**Notice of Making a Vocational Training Order**

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Metal Roofing & Roof Plumbing.

CITATION

The order is cited as the Metal Roofing & Roof Plumbing Order.

ORDER

A summary of the Order is given below.

(a) Term of training**(i) Full-time apprenticeships**

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake 180 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed BCP03 Plumbing and Services Industry Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the BCP30303 Certificate III in Roof Plumbing from the BCP03 Plumbing and Services Industry Training Package.

(d) Licensing requirements

For the purposes of registration as a Roof Plumber, the attached table sets out the required pathway. This pathway meets the requirements of the BCP03 Plumbing Services Training Package and also the NSW Office of Fair Trading.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001**Notice of Making a Vocational Training Order**

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Fire Sprinkler Fitting.

CITATION

The order is cited as the Fire Sprinkler Fitting Order.

ORDER

A summary of the Order is given below.

(a) Term of training**(i) Full-time apprenticeships**

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake 180 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed BCP03 Plumbing and Services Industry Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the BCP30503 Certificate III in Fire Protection from the BCP03 Plumbing and Services Industry Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001**Notice of Making a Vocational Training Order**

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Electrical (Fitter).

CITATION

The order is cited as the Electrical Trade (Fitter) Order.

ORDER

A summary of the Order is given below.

(a) Term of training**(i) Full-time apprenticeships**

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake 180 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and achieve competence in the units of competence specified in the UTE99 Electrotechnology Industry Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the UTE30104 Certificate III in Electrotechnology Assembly and Servicing from the UTE99 Electrotechnology Industry Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001**Notice of Making a Vocational Training Order**

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Electrical (Building Services).

CITATION

The order is cited as the Electrical Trade (Building Services) Order.

ORDER

A summary of the Order is given below.

(a) Term of training**(i) Full-time apprenticeships**

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake 180 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and achieve competence in the units of competence specified in the UTE99 Electrotechnology Industry Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the UTE30299 Certificate III in Electrotechnology Building Services from the UTE99 Electrotechnology Industry Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Electrical (Domestic Appliance Servicing).

CITATION

The Order is cited as the Electrical Trade (Domestic Appliance Servicing) Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake 180 days of work-based training; and

- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the TAFE NSW accredited course National Code 90953NSW Certificate III in Domestic Appliance Servicing.

(c) Courses of study to be undertaken

Apprentices will undertake the 90953NSW Certificate III in Domestic Appliance Servicing.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be obtained from any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Electrical (Instruments).

CITATION

The order is cited as the Electrical Trade (Instruments) Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake 180 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and achieve competence in the units of competence specified in the UTE99 Electrotechnology Industry Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the UTE30899 Certificate III in Electrotechnology Instrumentation from UTE99 Electrotechnology Industry Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Electrical (Mechanic).

CITATION

The order is cited as the Electrical Trade (Mechanic) Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake 180 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and achieve competence in the units of competence specified in the UTE99 Electrotechnology Industry Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the UTE31199 Certificate III in Electrotechnology Systems Electrician from the Electrotechnology Industry Training Package UTE99.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001 has made the following Vocational Training Order in relation to the recognised trade vocation of Electronic (Communications).

CITATION

The Order is cited as the Electronic Trade (Communications) Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake 180 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies in accordance with the packaging guidelines contained in the endorsed UTE99 Electrotechnology Industry Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the UTE30402 Certificate III in Electrotechnology Communications from the UTE99 Electrotechnology Industry Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Electronic (Computer Systems).

CITATION

The order is cited as the Electronic Trade (Computer Systems) Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake 180 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and achieve competence in the units of competence specified in the UTE99 Electrotechnology Industry Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the UTE30599 Certificate III in Electrotechnology Computer Systems from the Electrotechnology Industry Training Package UTE99.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Electronic (Data Communications).

CITATION

The order is cited as the Electronic Trade (Data Communications) Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake 180 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and achieve competence in the units of competence specified in the UTE99 Electrotechnology Industry Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the UTE30699 Certificate III in Electrotechnology Data Communications from the UTE99 Electrotechnology Industry Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Electronic (Entertainment and Servicing).

CITATION

The order is cited as the Electronic Trade (Entertainment and Servicing) Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake 180 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed UTE99 Electrotechnology Industry Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the UTE30702 Certificate III in Electrotechnology Entertainment and Servicing from the UTE99 Electrotechnology Industry Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Electronics (Servicing).

CITATION

The Order is cited as the Electronics Trade (Servicing) Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake 180 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the TAFE NSW accredited course National Code 90972NSW Certificate III in Electronics Trade.

(c) Courses of study to be undertaken

Apprentices will undertake the 90972NSW Certificate III in Electronics Trade.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be obtained from any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Electronic (Scanning and Detection).

CITATION

The order is cited as the Electronic Trade (Scanning and Detection) Order.

ORDER

A summary of the Order is given below.

(a) Term of training**(i) Full-time apprenticeships**

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake 180 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and achieve competence in the units of competence specified in the UTE99 Electrotechnology Industry Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the UTE31099 Certificate III in Electrotechnology Scanning from in the UTE99 Electrotechnology Industry Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001 has made the following Vocational Training Order in relation to the recognised trade vocation of Electrotechnology.

CITATION

The Order is cited as the Electrotechnology Trade Order.

ORDER

A summary of the Order is given below.

(a) Term of training**(i) Full-time apprenticeships**

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake a minimum of 100 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies in the endorsed UTE99 Electrotechnology Industry Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake, from the UTE99 Electrotechnology Industry Training Package, the:

- UTE40199 Certificate IV in Electrotechnology Apparatus Servicing
- UTE40302 Certificate IV in Electrotechnology Communications
- UTE40499 Certificate IV in Electrotechnology Computer Systems
- UTE40362 Certificate IV in Electrotechnology Entertainment and Servicing
- UTE40799 Certificate IV in Electrotechnology Explosion-protections
- UTE40999 Certificate IV in Electrotechnology Instrumentation
- UTE41099 Certificate IV in Electrotechnology Radar Systems
- UTE41199 Certificate IV in Electrotechnology Refrigeration and Air Conditioning
- UTE41299 Certificate IV in Electrotechnology Systems Electrician.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Refrigeration/Air Conditioning (Mechanic).

CITATION

The order is cited as the Refrigeration/Air Conditioning Trade (Mechanic) Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake 180 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and achieve competence in the units of competence specified in the UTE99 Electrotechnology Industry Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the UTE30999 Certificate III in Electrotechnology Refrigeration and Air Conditioning from the UTE99 Electrotechnology Industry Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001 has made the following Vocational Training Order in relation to the recognised trade vocation of Cookery (Eastern).

CITATION

The Order is cited as the Cookery Trade (Eastern) Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake a minimum of 100 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies in the endorsed THH02 Hospitality Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the THH33102 Certificate III in Hospitality (Asian Cookery) from the THH02 Hospitality Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001 has made the following Vocational Training Order in relation to the recognised trade vocation of Cookery (Western).

CITATION

The Order is cited as the Cookery Trade (Western) Order.

ORDER

A summary of the Order is given below.

(a) Term of training**(i) Full-time apprenticeships**

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake a minimum of 100 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed THH02 Hospitality Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the THH31502 Certificate III in Hospitality (Commercial Cookery) from the THH02 Hospitality Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001**Notice of Making of a Vocational Training Order**

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Engineering (Mechanical).

CITATION

The order is cited as the Engineering (Mechanical) Trade Order.

ORDER

A summary of the Order is given below.

(a) Term of training**(i) Full-time apprenticeships**

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake a minimum of 100 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed MEM05 Metal and Engineering Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the MEM30205 Certificate III in Engineering – Mechanical Trade from the MEM05 Metal and Engineering Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001**Notice of Making of a Vocational Training Order**

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Engineering (Fabrication).

CITATION

The order is cited as the Engineering (Fabrication) Trade Order.

ORDER

A summary of the Order is given below.

(a) Term of training**(i) Full-time apprenticeships**

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake a minimum of 100 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed MEM05 Metal and Engineering Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the MEM30305 Certificate III in Engineering – Fabrication Trade from the MEM05 Metal and Engineering Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making of a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Engineering (Electrical/Electronic).

CITATION

The Order is cited as the Engineering (Electrical/Electronic) Trade Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake a minimum of 100 days of work-based training; and

- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed MEM05 Metal and Engineering Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the MEM30405 Certificate III in Engineering – Electrical/Electronic Trade from the MEM05 Metal and Engineering Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making of a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Jewellery (Manufacturing and Repairing).

CITATION

The Order is cited as the Jewellery (Manufacturing and Repairing) Trade Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake a minimum of 100 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed MEM05 Metal and Engineering Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the MEM30365 Certificate III in Jewellery Manufacture from the MEM05 Metal and Engineering Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making of a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Boat Building.

CITATION

The Order is cited as the Boat Building Trade Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake a minimum of 100 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for

more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed MEM05 Metal and Engineering Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the MEM30705 Certificate III in Marine Craft Construction from the MEM05 Metal and Engineering Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making of a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Shipwright.

CITATION

The Order is cited as the Shipwright Trade Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake a minimum of 100 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed MEM05 Metal and Engineering Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the MEM30705 Certificate III in Marine Craft Construction from the MEM05 Metal and Engineering Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making of a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Locksmithing.

CITATION

The order is cited as the Locksmithing Trade Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake a minimum of 100 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed MEM05 Metal and Engineering Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the MEM30805 Certificate III in Locksmithing from the MEM05 Metal and Engineering Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making of a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Higher Engineering.

CITATION

The Order is cited as the Higher Engineering Trade Order.

ORDER

A summary of the Order is given below.

(a) Term of training

(i) Full-time apprenticeships

Training shall be given for a nominal period of four (4) years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) School based part-time apprenticeships

Training shall be given for a nominal period of five (5) years comprising:

- two (2) years part-time while at school where the apprentice will undertake a minimum of 100 days of work-based training; and
- three (3) years full-time post school.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Other provisions including – where applicable – appropriate credit arrangements, will be established in accordance with the relevant Vocational Training Guideline – <http://apprenticeship.det.nsw.edu.au/html/advins/ats04014.htm>

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

(b) Competency outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed MEM05 Metal and Engineering Training Package.

(c) Courses of study to be undertaken

Apprentices will undertake the MEM40105 Certificate IV in Engineering from the MEM05 Metal and Engineering Training Package.

AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

CHILDREN'S COURT ACT 1987

Notice

I, Bob Debus, Attorney General, pursuant to section 19 (1) (a) of the Children's Court Act 1987, approve sittings of the Children's Court to be held at the Court House at 2 George Street, Parramatta.

Dated: 24 November 2006.

BOB DEBUS,
Attorney General

CHILDREN'S COURT ACT 1987

Notice

I, Bob Debus, Attorney General, pursuant to clause 5 (2) of Schedule 2 to the Children's Court Act 1987, hereby revoke the approval for sittings of the Children's Court at 3 Mary Street, Lidcombe and 56 Campsie Street, Campsie.

Dated: 24 November 2006.

BOB DEBUS,
Attorney General

CO-OPERATIVES ACT 1992

Notice Under Section 601AA of the Corporations Law
as applied by Section 325

NOTICE is hereby given that the Co-operative mentioned below will be deregistered when two months have passed since the publication of this notice:

TOURISM MACARTHUR CO-OPERATIVE
LIMITED

Dated this twenty-second day of December 2006.

C. GOWLAND,
Delegate of the Registrar of Co-Operatives

PESTICIDES REGULATION 1995

Pesticide Use Notification Plan

THE State Council of Rural Lands Protection Boards hereby gives notice that a Pesticide Use Notification Plan which has been prepared in accordance with the requirements of the Pesticides Regulation 1995 is available to members of the public at website <http://www.rlpbnsw.org.au/> or from your nearest Rural Lands Protection Board office.

For further information contact your nearest Board.

Dated 22 December 2006.

STEVE ORR,
Chief Executive Officer

NATIONAL PARKS AND WILDLIFE ACT 1974Seaham Swamp Nature Reserves
Draft Plan of Management

A draft plan of management for Seaham Swamp Nature Reserve has been prepared and is available free of charge from the NPWS Hunter Region office, 12B Teramby Road, Nelson Bay (ph 4984 8200). The plan may also be viewed at the Seaham General Store, 16 Warren Street, Seaham, and on the NPWS website: www.nationalparks.nsw.gov.au.

Written submissions on the plan must be received by The Planner, Seaham Swamp Nature Reserve, NPWS, Locked Bag 99, Nelson Bay Delivery Centre NSW 2315 by 2 April 2007.

All submissions received by NPWS are a matter of public record and are available for public inspection upon request to NPWS. Your comments on this draft plan may contain information that is defined as "personal information" under the NSW Privacy and Personal Information Protection Act 1998. The submission of personal information with your comments is voluntary.

WORKERS COMPENSATION ACT 1987WORKERS COMPENSATION (MEDICAL
PRACTITIONER FEES) ORDER 2007

Under the Workers Compensation Act 1987

I, JON BLACKWELL, Chief Executive Officer of the WorkCover Authority of New South Wales, pursuant to subsection 61 (2) of the Workers Compensation Act 1987, make the following Order.

Dated this 21st day of December 2006.

JON BLACKWELL,
Chief Executive Officer,
WorkCover Authority

EXPLANATORY NOTE

Treatment by a registered medical practitioner is one of the categories of medical or related treatment covered under the Workers Compensation Act 1987. This Order sets the maximum fees for which an employer is liable under the Act for treatment by medical practitioners of an injured worker's work-related injury.

The effect of the Order is to prevent medical practitioners from recovering from the injured worker any extra charge for treatments covered by the Order.

The Order does not apply to services provided by specialist surgeons.

The Order adopts the List of Medical Services and Fees published by the Australian Medical Association.

Workers Compensation (Medical Practitioner Fees)
Order 2007

1. Name of Order

This Order is the Workers Compensation (Medical Practitioner Fees) Order 2007.

2. Commencement

This Order commences on the 1 January 2007.

3. Application of Order

This Order applies to treatment provided on or after the commencement of this Order, whether it relates to an injury received before, on or after that date.

4. Repeal

The Workers Compensation (Medical Practitioner Fees) Order 2006 is repealed.

5. Maximum fees for medical practitioners

(1) This clause applies to medical and related treatment provided by a medical practitioner in respect of which a fee is specified in the AMA List, except:

- (a) Medical services identified in the AMA List by AMA numbers AC500, AC510, AC520 and AC530 (Professional Attendances by a Specialist) if these medical services are provided by a specialist surgeon;
 - (b) Medical services identified in the AMA List by AMA Numbers EA010 to MZ705 (Surgical Operations) if these medical services are provided by a specialist surgeon;
 - (c) Medical services identified in the AMA List by AMA Number MZ900 (assistant surgeon's fee)
 - (d) Medical services identified in the AMA List by AMA numbers OP200, OP210 and OP220 (magnetic resonance imaging – MRI).
- (2) The maximum amount payable for magnetic resonance imaging (MRI) is \$700 for a single region or 2 contiguous regions, and \$1050 for more than 2 contiguous regions.
- (3) The maximum amount payable for a medical certificate is \$16.
- (4) The maximum hourly rate payable to a General Practitioner is \$202.80. The maximum hourly rate payable to a specialist is \$280.70. The hourly rate may cover, for example, case conferences, reports that have been requested by an insurer or lawyer acting on behalf of an injured worker and visits to worksites.
- (5) The maximum fee for providing copies of medical records (including specialists notes and reports) is \$30 (for 33 pages or less) and an additional \$1.00 per page if more than 33 pages.
- (6) Subject to subclauses (1), (2), (3), (4), (5), and clause 6 (Nil fee for certain medical services), the maximum amount for which an employer is liable under the Act for any claim for medical or related treatment to which this clause applies is the fee listed, in respect of the medical or related treatment concerned, in the AMA List.

6. Nil fee for certain medical services

The AMA List includes items that are not relevant to medical services provided to injured workers. As such, the fee set for the following items is nil:

- (a) All time based General Practitioner fees items (Medical services identified in the AMA List by AMA numbers AA190 – AA320)
- (b) Enhanced primary care items (Medical services identified in the AMA List by AMA numbers AA500 – AA850)
- (c) Telehealth items (Medical services identified in the AMA List by AMA numbers AP050 – AP105)

7. Goods and Services Tax

- (1) An amount fixed by this Order may be increased by the amount of any GST payable in respect of the service to which the cost relates, and the cost so increased is taken to be the amount fixed by this Order.
- (2) This clause does not permit a medical practitioner to charge or recover, in respect of GST payable in respect of a service, an amount that is greater than:

- (a) 10% of the maximum amount payable under this Order to the medical practitioner in respect of the medical or related treatment apart from this clause,
- (b) the amount permitted under the New Tax System Price Exploitation Law, whichever is the lesser.

8. Definitions

In this Order:

After hours services applies in an emergency where the clinic is not normally open at that time, and urgent treatment is provided. This fee is not to be utilised in the situation where a consultation is conducted within the advertised hours of a clinic.

AMA List means the document entitled List of Medical Services and Fees published by the Australian Medical Association and dated 1 November 2006.

The Act means the Workers Compensation Act 1987.

GST has the same meaning as in the A New Tax System (Goods and Services Tax) Act 1999 of the Commonwealth.

New Tax System Price Exploitation Law means:

- (a) the New Tax System Price Exploitation Code as applied as a law of New South Wales by the Price Exploitation Code (New South Wales) Act 1999; and
- (b) Part VB of the Trade Practices Act 1974 of the Commonwealth.

Specialist Surgeon means a medical practitioner who holds a fellowship of the Royal Australian College of Surgeons.

WORKERS COMPENSATION ACT 1987

WORKERS COMPENSATION (SURGEON FEES) ORDER 2007

Under the Workers Compensation Act 1987

I, JON BLACKWELL, Chief Executive Officer of the WorkCover Authority of New South Wales, pursuant to section 61 (2) of the Workers Compensation Act 1987, make the following Order.

Dated this 21st day of December 2006.

JON BLACKWELL,
Chief Executive Officer,
WorkCover Authority

EXPLANATORY NOTE

Treatment by surgeons is a medical or related treatment covered under the Workers Compensation Act 1987. This Order sets the maximum fees for which an employer is liable under the Act for treatment by surgeons of an injured worker's work-related injury.

(Note: Treatment by orthopaedic surgeons is covered by the Workers Compensation (Orthopaedic Surgeon Fees) Order 2007, gazetted to take effect from 1 January 2007. However, maximum fees under this Order may apply to procedures carried out by orthopaedic surgeons which are covered by the Workers Compensation (Orthopaedic Surgeon Fees) Order 2007).

The effect of the Order is to prevent surgeons from recovering from the injured worker or employer any extra charge for treatments covered by the Order.

The Order adopts the items listed as Surgical Procedures in the List of Medical Services and Fees published by the Australian Medical Association (AMA).

Workers Compensation (Surgeons Fees) Order 2007

1. Name of Order

This Order is the Workers Compensation (Surgeons Fees) Order 2007.

2. Commencement

This Order commences on 1 January 2007.

3. Application of Order

This Order applies to treatment provided on or after the commencement of this Order, whether it relates to an injury received before, on or after that date.

4. Maximum fees for treatment by surgeons

- (1) The maximum fee amount for which an employer is liable under the Act for treatment of an injured worker by a surgeon, being treatment of a type specified in Column 1 of Schedule A to this Order, is the corresponding amount specified in Column 3 of that Schedule.
- (2) A fee charged by a surgeon for a patient's treatment (including the management of fractures and other conditions) will be in addition to the fee in Schedule A for the original examination and report.

5. Goods and Services Tax

- (1) An amount fixed by this Order may be increased by the amount of any GST payable in respect of the service to which the cost relates, and the cost so increased is taken to be the amount fixed by this Order.
- (2) This clause does not permit a medical practitioner to charge or recover, in respect of GST payable in respect of a service, an amount that is greater than:
 - (a) 10% of the maximum amount payable under this Order to the medical practitioner in respect of the medical or related treatment apart from this clause, or
 - (b) the amount permitted under the New Tax System Price Exploitation Law, whichever is the lesser.

6. Definitions

In this Order (including Schedule A):

Aftercare Visits has the same meaning as in the AMA List and is covered by the surgical procedure fee. However unrelated visits or incidental reasons for visits that are not regarded as routine aftercare should be explained with accounts rendered. The consulting surgeon will issue a "certificate" detailing the worker's fitness for work and anticipated aftercare, on discharge from hospital or after the first post injury consultation.

After Hours Consultations means call-outs to a public or private hospital or a private home for urgent cases before 8.00am or after 6:00pm.

Assistant at Operation means a medically qualified surgical assistant, but only where an assistant's fee is allowed for in the Commonwealth Medical Benefits Schedule, or where indicated in the WorkCover schedule or approved in advance by the insurer.

AMA List means the document entitled List of Medical Services and Fees published by the Australian Medical Association and dated 1 November 2006.

the Act means the Workers Compensation Act 1987.

Extended Consultation means a consultation involving significant multiple trauma or complex "red flag" spinal conditions (systemic pathology, carcinoma, infection, fracture or nerve impingement) involving a lengthy consultation and extensive physical examination.

GST has the same meaning as in the A New Tax System (Goods and Services Tax) Act 1999 of the Commonwealth.

Initial consultation and report covers the first consultation and the report to the referring General Practitioner and insurer.

The report will contain:

- the patient's diagnosis and present condition;
- the patient's likely fitness for pre-injury work or for alternate duties;
- the need for treatment or additional rehabilitation; and
- collateral conditions that are likely to impact on the management or the worker's condition (in accordance with privacy considerations).

Receipt of this information and "certificates" post treatment will provide sufficient information for insurers, employers and rehabilitation providers to develop management plans.

Instrument Fee covers procedures where the surgeon supplies all the equipment or specialized instruments. This fee does not apply for all operations or if only incidental instruments (non critical) are supplied by the surgeon.

Multiple Operations or Injuries refers to situations that require two or more operations or for the treatment of two or more injuries carried out at the same time. The fee for the main operation or injury is to be paid in full and 75% of the specified charge for each additional operation or injury is payable, unless specifically listed in the Schedule as a multiple procedure item.

New Tax System Price Exploitation Law means:

- (a) the New Tax System Price Exploitation Code as applied as a law of New South Wales by the Price Exploitation Code (New South Wales) Act 1999; and
- (b) Part VB of the Trade Practices Act 1974 of the Commonwealth.

Opinion on File Request includes retrieval of file from whatever source, reading time, and reporting where a request for such an opinion has been made in writing to the surgeon by the insurer/lawyer.

Surgical procedures are those listed in the AMA list but does not include the cost of bandages, dressings, plaster of Paris bandages, splints, metallic fixation agents, and prosthetic implants which may be charged in addition to the fee set out in the Schedule A. The fee for surgical procedures includes aftercare visits.

Subsequent Consultation is a consultation not included in the normal aftercare that applies following surgery, the cost of which is included in the fee for the surgical procedure.

Surgeon means a medical practitioner who is currently a Fellow of the Australasian College of Surgeons or who is recognised by the Health Insurance Commission as a specialist. It includes a surgeon who is a staff member at a public hospital providing services at the hospital.

Schedule A

Maximum fees for surgeons

<i>Item</i>	<i>Column 1 Type of service</i>	<i>Column 2 AMA Item(s)</i>	<i>Column 3 Maximum amount</i>
Consultations			
1.	Initial consultation and report	AC500 (MBS 104)	\$234.00
2.	Extended consultation and report		\$322.30
3.	Subsequent consultation	AC510 (MBS 105)	\$161.20
4.	After hours consultation		\$135.20 in addition to consultation fee
Procedures			
5.	Surgical procedures	EA010 (MBS 30001) to MY115 (MBS 50130)	150% of AMA Schedule
6.	Instrument fee		\$161.20
7.	Assistant at operation	MZ900	\$270.30 or 20% of total fee, whichever is greater
8.	Multiple operations or injuries		Primary operation is to be paid in full, and additional operations at 75% of scheduled fee
9.	Aftercare visits		As per AMA Schedule
Insurer/Lawyer requests			
10.	Opinion on file request		\$161.20
11.	Telephone requests		\$31.20 per 3-5 minute phone call
12.	Lost reports and reprints		\$109.20 per report

WORKERS COMPENSATION ACT 1987

**WORKERS COMPENSATION (ORTHOPAEDIC
SURGEON FEES) ORDER 2007**

Under the Workers Compensation Act 1987

I, JON BLACKWELL, Chief Executive Officer of the WorkCover Authority of New South Wales, pursuant to section 61 (2) of the Workers Compensation Act 1987, make the following Order.

Dated this 21st day of December 2006.

JON BLACKWELL,
Chief Executive Officer,
WorkCover Authority

EXPLANATORY NOTE

Treatment by an orthopaedic surgeon is a medical or related treatment covered under the Workers Compensation Act 1987. This Order sets the maximum fees for which an employer is liable under the Act for treatment by orthopaedic surgeons of an injured worker's work-related injury.

The effect of the Order is to prevent orthopaedic surgeons from recovering from the injured worker or employer any extra charge for treatments covered by the Order.

The Order adopts the items listed as Orthopaedic Procedures in the List of Medical Services and Fees published by the Australian Medical Association (AMA).

Workers Compensation (Orthopaedic Surgeons Fees)
Order 2007

1. Name of Order

This Order is the Workers Compensation (Orthopaedic Surgeons Fees) Order 2007.

2. Commencement

This Order commences on 1 January 2007.

3. Application of Order

This Order applies to treatment provided on or after the commencement of this Order, whether it relates to an injury received before, on or after that date.

4. Maximum fees for treatment by orthopaedic surgeons

(1) The maximum fee amount for which an employer is liable under the Act for treatment of an injured worker by an orthopaedic surgeon, being treatment of a type specified in Column 1 of Schedule A to this Order, is the corresponding amount specified in Column 3 of that Schedule.

(2) A fee charged by an orthopaedic surgeon for a patient's treatment (including the management of fractures and other conditions) will be in addition to the fee in Schedule A for the original examination and report.

5. Goods and Services Tax

(1) An amount fixed by this Order may be increased by the amount of any GST payable in respect of the service to which the cost relates, and the cost so increased is taken to be the amount fixed by this Order.

(2) This clause does not permit a medical practitioner to charge or recover, in respect of GST payable in respect of a service, an amount that is greater than:

(a) 10% of the maximum amount payable under this Order to the medical practitioner in respect of the medical or related treatment apart from this clause, or

(b) the amount permitted under the New Tax System Price Exploitation Law, whichever is the lesser.

6. Definitions

In this Order (including Schedule A):

Aftercare Visits has the same meaning as in the AMA List and is covered by the surgical procedure fee. However unrelated visits or incidental reasons for visits that are not regarded as routine aftercare should be explained with accounts rendered. The consulting surgeon will issue a "certificate" detailing the

worker’s fitness for work and anticipated aftercare, on discharge from hospital or after the first post injury consultation.

After Hours Consultations means call-outs to a public or private hospital or a private home for urgent cases before 8.00am or after 6:00pm.

Assistant at Operation means a medically qualified surgical assistant, but only where an assistant’s fee is allowed for in the Commonwealth Medical Benefits Schedule, or where indicated in the WorkCover schedule or approved in advance by the insurer.

AMA List means the document entitled List of Medical Services and Fees published by the Australian Medical Association and dated 1 November 2006.

the Act means the Workers Compensation Act 1987.

Extended Consultation means a consultation involving significant multiple trauma or complex “red flag” spinal conditions (systemic pathology, carcinoma, infection, fracture or nerve impingement) involving a lengthy consultation and extensive physical examination.

GST has the same meaning as in the A New Tax System (Goods and Services Tax) Act 1999 of the Commonwealth.

Initial consultation and report covers the first consultation and the report to the referring General Practitioner and insurer.

The report will contain:

- the patient’s diagnosis and present condition;
- the patient’s likely fitness for pre-injury work or for alternate duties;
- the need for treatment or additional rehabilitation; and
- collateral conditions that are likely to impact on the management or the worker’s condition (in accordance with privacy considerations).

Receipt of this information and “certificates” post treatment will provide sufficient information for insurers, employers and rehabilitation providers to develop management plans.

Instrument Fee covers procedures where the surgeon supplies all the equipment or specialized instruments. This fee does not apply for all operations or if only incidental instruments (non critical) are supplied by the surgeon.

Multiple Operations or Injuries refers to situations that require two or more operations or for the treatment of two or more injuries carried out at the same time. The fee for the main operation or injury is to be paid in full and 75% of the specified charge for each additional operation or injury is payable, unless specifically listed in the Schedule as a multiple procedure item.

New Tax System Price Exploitation Law means:

- (a) the New Tax System Price Exploitation Code as applied as a law of New South Wales by the Price Exploitation Code (New South Wales) Act 1999; and
- (b) Part VB of the Trade Practices Act 1974 of the Commonwealth.

Opinion on File Request includes retrieval of file from whatever source, reading time, and reporting where a

request for such an opinion has been made in writing to the orthopaedic surgeon by the insurer/lawyer.

Orthopaedic procedures are those listed in the AMA list but does not include the cost of bandages, dressings, plaster of Paris bandages, splints, metallic fixation agents, and prosthetic implants which may be charged in addition to the fee set out in the Schedule A. The fee for orthopaedic procedures includes aftercare visits.

Orthopaedic surgeon means a medical practitioner who is currently a Fellow of the Australian Orthopaedic Association or who is recognised by the Health Insurance Commission as a specialist in orthopaedic surgery. It includes an orthopaedic surgeon who is a staff member at a public hospital providing services at the hospital.

Subsequent Consultation is a consultation not included in the normal aftercare that applies following surgery, the cost of which is included in the fee for the orthopaedic procedure.

Schedule A

Maximum fees for orthopaedic surgeons

<i>Item</i>	<i>Column 1 Type of service</i>	<i>Column 2 AMA Item(s)</i>	<i>Column 3 Maximum amount</i>
Consultations			
1.	Initial consultation and report	AC500 (MBS 104)	\$234.00
2.	Extended consultation and report		\$322.30
3.	Subsequent consultation	AC510 (MBS 105)	\$161.20
4.	After hours consultation		\$135.20 in addition to consultation fee
Procedures			
5.	Orthopaedic procedures	ML005 (MBS 46300) to MY115 (MBS 50130) MZ900	150% of AMA Schedule
6.	Instrument fee		\$161.20
7.	Assistant at operation	MZ900	\$270.30 or 20% of total fee, whichever is greater
8.	Multiple operations or injuries		Primary operation is to be paid in full, and additional operations at 75% of scheduled fee
9.	Aftercare visits		As per AMA Schedule
Insurer/Lawyer requests			
10.	Opinion on file request		\$161.20
11.	Telephone requests		\$31.20 per 3-5 minute phone call
12.	Lost reports and reprints		\$109.20 per report

**WORKPLACE INJURY MANAGEMENT AND
WORKERS COMPENSATION ACT 1998**

**WORKPLACE INJURY MANAGEMENT AND
WORKERS COMPENSATION (INJURY
MANAGEMENT CONSULTANTS) ORDER 2007**

Under the Workplace Injury Management and Workers
Compensation Act 1998

I, JON BLACKWELL, Chief Executive Officer of the
WorkCover Authority of New South Wales, revoke the
Workplace Injury Management and Workers Compensation
(Injury Management Consultants) Order 2006, and make the
following Order pursuant to section 339 of the Workers Injury
Management and Workers Compensation Act 1998.

Dated this 21st day of December 2006.

JON BLACKWELL,
Chief Executive Officer,
WorkCover Authority

Part 1 Preliminary

1 Name of Order

This order is the Workplace Injury Management and
Workers Compensation (Injury Management Consultants)
Order 2007.

2 Commencement

This Order commences on 1 January 2007.

3 Definitions

In this order:

the Act means the Workplace Injury Management and
Workers Compensation Act 1998; and

GST means the goods and services tax payable under
the GST Law; and

GST Law has the same meaning as in the A New Tax
System (Goods and Services Tax) Act 1999 (Cth);
and

4 Application of order

This order only applies to medical practitioners registered
under the Medical Practice Act 1992 (NSW).

5 Repeal

The Workplace Injury Management and Workers
Compensation (Injury Management Consultants) Order
2006 is repealed.

Part 2 Fees for injury management consultants

6 Fees for Injury Management Consultants

(a) For the purposes of section 339 of the Act, the
maximum hourly fee for the provision of services
by an injury management consultant in respect of the
provision of any report for use in connection with a
claim for compensation or work injury damages and
an appearance as a witness in proceedings before the
Workers Compensation Commission or a court in
connection with a claim for compensation or work
injury damages is as set out in schedule 1; and

(b) An injury management consultant may not charge
for more than 3 hours of work in the absence of
express written agreement from the relevant insurer
or the Workers Compensation Commission.

(c) An injury management consultant may charge a
cancellation fee equivalent to half of their gazetted

hourly rate in the situation where a worker provides
2 days notice of cancellation.

(d) An injury management consultant may charge a
cancellation fee equivalent to their gazetted hourly
rate in the situation where a worker provides less
than 2 days notice of cancellation or fails to attend
their scheduled appointment without notice.

(e) An injury management consultants report is to
be provided to the referrer within 10 working
days of the examination, or in the case where no
examination has been conducted, within 10 working
days of the request having been received, or within a
different timeframe if agreed between the parties.

7 GST

The maximum fees provided for in clause 6 are exclusive
of GST.

Schedule 1

Rates for Injury Management Consultants

<i>Service description</i>	<i>Fee</i>
Assessments, examinations, discussions and report	\$239.20 per hour
Cancellation with 2 days notice	\$119.60
Cancellation with less than 2 days notice or non attendance at scheduled appointment	\$239.20

**WORKPLACE INJURY MANAGEMENT AND
WORKERS COMPENSATION ACT 1998**

**WORKPLACE INJURY MANAGEMENT AND
WORKERS COMPENSATION (MEDICAL
EXAMINATIONS AND REPORTS) ORDER 2007**

Under the Workplace Injury Management and Workers
Compensation Act 1998

I, JON BLACKWELL, Chief Executive Officer of the
WorkCover Authority of New South Wales, revoke the
Workplace Injury Management and Workers Compensation
(Medical Examinations and Reports) Order 2005 (Amendment
No 1 2006), and make the following Order pursuant to
section 339 of the Workers Injury Management and Workers
Compensation Act 1998.

Dated this 21st day of December 2006.

JON BLACKWELL,
Chief Executive Officer,
WorkCover Authority

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Part 2 Fees for medical assessments

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Schedule 1 Rates for Independent Medical Examination
by General Practitioners

- Schedule 2 Rates for Independent Medical Examination by Specialists
- Schedule 3 Rates for Approved Medical Specialists
- Schedule 4 Rates for Approved Medical Specialists on Appeal Panels
- Schedule 5 Rates for Treating General Practitioners and Treating Specialists for Reports Requested by a Legal Representative or Insurer

- by the Workers Compensation Commission is set out in Schedule 3, and
- (d) the rate of fees for a medical examination carried out by an approved medical specialist on an appeal panel is set out in Schedule 4.
- (e) the rate of fees for reports requested by a legal representative or insurer from a treating general practitioner and a treating specialist are set out in Schedule 5.

Workplace Injury Management and Workers Compensation (Medical Examinations and Reports) Order 2007

7 GST

The maximum fees provided for in clause 6 are exclusive of GST.

Part 1 Preliminary

1 Name of Order

This order is the Workplace Injury Management and Workers Compensation (Medical Examinations and Reports) Order 2007.

Schedule 1

Rates for Independent Medical Examination by General Practitioners

2 Commencement

This Order commences on 1 January 2007 and applies to services provided on or after that date.

<i>Service description</i>	<i>Fee</i>
Examination and report in accordance with the Guidelines – standard case (eg. cause of injury only)	\$414.70
Examination conducted with the assistance of an interpreter and report in accordance with Guidelines – standard case (eg. cause of injury only)	\$463.20
Examination and report in accordance with the Guidelines -complex case (eg. multiple injuries, multiple questions and reports to be reviewed)	\$619.30
Examination conducted with the assistance of an interpreter and report in accordance with Guidelines – complex case (eg. multiple injuries, multiple questions and reports to be reviewed)	\$721.70
Non-attendance or cancellation with less than 7 days notice	\$104.00
File review	\$307.00
Supplementary report where additional information is provided and requested	\$204.70
Update examination and report of worker previously reviewed, where there is no intervening incident	\$258.50
Travel	Reimbursed in accordance with the travelling allowances set out in Table 1 (Allowances) to Part B (Monetary Rates) of the Crown Employees (Public Service Conditions of Employment) Award 2002

3 Definitions

In this order:

the Act means the Workplace Injury Management and Workers Compensation Act 1998; and

GST means the goods and services tax payable under the GST Law; and

GST Law has the same meaning as in the A New Tax System (Goods and Services Tax) Act 1999 (Cth); and

Guidelines mean the WorkCover Guidelines on Independent Medical Examinations and Reports in effect from 1 November 2006

Late attendance means that the worker or interpreter arrives unreasonably late, to the degree that a full examination is prevented from being conducted in the time allocated.

4 Application of order

This Order only applies to medical practitioners registered under the Medical Practice Act 1992 (NSW).

5 Repeal

The Workplace Injury Management and Workers Compensation (Medical Examinations and Reports) Order 2005 (Amendment No 1 2006) is repealed.

Part 2 Fees for medical assessments

6 Fees for medical assessments

For the purposes of section 339 of the Act, the maximum fees for the provision by health service providers in respect of any report for use in connection with a claim for compensation or work injury damages and an appearance as a witness in proceedings before the Commission or a court in connection with a claim for compensation or work injury damages is as follows:

- (a) the rate of fees for an independent medical examination by general practitioners is set out in Schedule 1,
- (b) the rate of fees for an independent medical examination by medical specialists is set out in Schedule 2,
- (c) the rate of fees for a medical examination carried out by an approved medical specialist on referral

Schedule 2

Rates for Independent Medical Examination by Medical Specialists

<i>Service description</i>	<i>Fee</i>
Examination and report in accordance with the Guidelines – standard case (eg. straightforward permanent impairment assessment, cause of injury only)	\$560.40
Examination conducted with the assistance of an interpreter and report in accordance with	

Guidelines – standard case (eg. straightforward permanent impairment assessment, cause of injury only)	\$699.70	e.g. for permanent impairment and general medical disputes	\$1,341.10
ENT report (includes audiological testing)	\$560.40	Ear, nose and throat, includes audiological testing	\$1,173.80
ENT report when examination has been conducted with the assistance of an interpreter and report in accordance with Guidelines (includes audiological testing)	\$699.70	Examination and report in accordance with the Workers Compensation Commission standards -Psychiatric	\$1,674.80
Examination and report in accordance with the Guidelines – moderate complexity (eg. multiple questions and reports to be reviewed, more complex permanent impairment assessment – more than one body system involved)	\$840.00	Cancellation with less than 7 calendar days notice	\$333.80
Examination conducted with the assistance of an interpreter and report in accordance with Guidelines – moderate complexity (eg. multiple questions and reports to be reviewed, more complex permanent impairment assessment – more than one body system involved)	\$980.40	Non-attendance or cancellation with less than 2 working days notice	\$667.50
Examination and report in accordance with Guidelines – complex case (eg. multiple injuries, severe impairment assessment eg. spinal cord injury, head injury).	\$1,114.50	Consolidation of medical assessment certificates by lead assessor	\$333.80
Examination and report in accordance with Guidelines – complex case (eg. multiple injuries, severe impairment assessment e.g. spinal cord injury, head injury) with the assistance of an Interpreter.	\$1,395.20	Re-examination + medical assessment certificate or reconsideration at request of Commission	\$501.10
Examination and report in accordance with the Guidelines – psychiatric	\$980.40	When interpreter present at examination	plus \$171.60
Cancellation with 2 days notice	\$140.10	Travel	Reimbursed in accordance with the travelling allowances set out in Table 1 (Allowances) to Part B (Monetary Rates) of the Crown Employees (Public Service Conditions of Employment) Award 2002
Cancellation with less than 2 working days notice, non attendance at scheduled appointment or unreasonably late attendance by worker or interpreter that prevents full examination being conducted	\$280.20		
File review	\$420.00		
Supplementary report where additional information is provided and requested	\$279.70		
Update examination and report of worker previously reviewed, where there is no intervening incident	\$414.80		
Travel			

Schedule 3

Rates for Approved Medical Specialists

<i>Service description</i>	<i>Fee</i>
Examination and report in accordance with Workers Compensation Commission standards – standard case	\$1,001.20
Examination and report in accordance with Workers Compensation Commission standards – multiple medical assessments	

Schedule 4

Rates for Approved Medical Specialists on Appeal Panels

<i>Service description</i>	<i>Fee</i>
Assessment, initial telephone conference and decision on papers	\$667.50
Examination of worker and report by AMS	\$501.10
Cancellation with less than 7 calendar days notice	\$333.75
Non-attendance or cancellation with less than 2 working days notice	\$667.50
Assessment, telephone conference, appeal hearing and decision	\$1,507.50
Additional Hearing or teleconference when convened by arbitrator	\$280.70 per hour
Travel	Reimbursed in accordance with the travelling allowances set out in Table 1 (Allowances) to Part B (Monetary Rates) of the Crown Employees (Public Service Conditions of Employment) Award 2002

Schedule 5

Rates for Treating General Practitioners and Treating Specialists for Reports Requested by a Legal Representative or Insurer

Notes:

- (a) This Schedule applies to reports obtained for the purpose of proving or disproving an entitlement or the extent of an entitlement to workers compensation or work injury damages and excludes fees in respect of medical or related treatment reports fixed under section 61 of the Workers Compensation Act 1987.

- (b) Fees fixed in this Schedule are recoverable only where the conditions for payment as set out in Part C of Schedule 6 of the Workers Compensation Regulation 2003 have been complied with.

Part C item 4 (which applies to treating medical practitioners reports) provides:

If a claim or dispute is resolved whether before or after proceedings commenced:

Claimant

- (a) nil fee payable, unless paragraph (b) applies, or
- (b) fee allowed in accordance with any applicable fee order where:
 - (i) request for report made to insurer; and
 - (ii) either:
 - insurer does not provide report within 14 days, or
 - report supplied by insurer does not address the report requirements of the claimant, and
 - (iii) report is served on insurer

Insurer:

- (a) fee allowed in accordance with any applicable fee order

Part C item 6 (which applies to clinical notes and records), provides conditions for payment in similar terms as above for item 4, but the period of time for an insurer to provide clinical records is fixed at 7 days.

- (c) In accordance with section 339 of the Workplace Injury Management and Workers Compensation Act 1998, a medical practitioner is not entitled to be paid or recover any fee for providing a service that exceeds the fee fixed under this Order.

<i>Service description</i>	<i>Fee</i>
Treating general practitioner report	\$202.80 per hour (up to the maximum applicable rate for an independent medical examination and report of the same type)
Treating specialist report	\$280.70 per hour (up to the maximum applicable rate for an independent medical examination and report of the same type)
Fee for providing copies of clinical notes and records (including specialist notes and reports)	\$30 (for 33 pages or less) An additional \$1.00 per page if more than 33 pages

WORKERS COMPENSATION ACT 1987

WORKERS COMPENSATION (PHYSIOTHERAPY FEES) ORDER 2007

Under the Workers Compensation Act 1987

I, JON BLACKWELL, Chief Executive Officer of the WorkCover Authority of New South Wales, pursuant to section 61 of the Workers Compensation Act 1987, make the following Order.

Dated this 21st day of December 2006.

JON BLACKWELL,
Chief Executive Officer,
WorkCover Authority

EXPLANATORY NOTE

Treatment by a registered physiotherapist is one of the categories of medical and related treatment covered under the Workers Compensation Act 1987. This Order sets the maximum fees for which an employer is liable under the Act for treatment by a physiotherapist of an injured worker's work related injury.

Schedule A to this Order provides for maximum fees for physiotherapists generally. Schedule B to this Order provides higher maximum fee levels for WorkCover approved physiotherapists. WorkCover approved physiotherapists have participated in training courses approved or run by WorkCover.

1. Name of Order

This order is the Workers Compensation (Physiotherapy Fees) Order 2007 No. 1.

2. Commencement

This Order commences on 1 January 2007.

3. Application of Order

This Order applies to treatment provided on or after 1 January 2007, whether it relates to an injury received before, on or after that date.

4. Maximum fees for physiotherapy treatment generally

(1) The maximum fee amount for which an employer is liable under the Act for treatment of an injured worker by a physiotherapist, being treatment of a type specified in Column 1 of Schedule A to this Order, is the corresponding amount specified in Column 2 of that Schedule.

(2) If it is reasonably necessary for a physiotherapist to provide treatment of a type specified in any of items 7 to 11 in Schedule A at the worker's home, the maximum fee amount for which an employer would otherwise be liable under the Act for that type of treatment is increased by an amount calculated at the rate per kilometre (for the number of kilometres of travel reasonably involved) specified for item 14 in Column 2 of Schedule A.

(3) This clause does not apply to treatment by a WorkCover approved Physiotherapist.

5. Higher maximum fees for WorkCover approved Physiotherapists

(1) The maximum fee amount for which an employer is liable under the Act for treatment of an injured worker by a physiotherapist, who is a WorkCover approved physiotherapist, being treatment of a type specified in Column 1 of Schedule B to this Order, is the corresponding amount specified in Column 2 of that Schedule.

(2) If it is reasonably necessary for a physiotherapist to provide treatment of a type specified in any of items 21 to 25 in Schedule B at the worker's home, the maximum fee amount for which an employer would otherwise be liable under the Act for that type of treatment is increased by an amount calculated at the rate per kilometre (for the number of kilometres

of travel reasonably involved) specified for item 28 in Column 2 of Schedule B.

6. Goods and Services Tax

(1) The maximum fee amount for which an employer is liable under the Act in respect of the treatment types specified in:

(a) items 12, 13 and 14 of Schedule A to this Order, and

(b) items 26, 27 and 28 of Schedule B to this Order,

may be increased by the amount of any GST payable in respect of the service, and the cost as so increased is taken to be the amount fixed by this Order.

(2) This clause does not permit a physiotherapist to charge or recover, in respect of GST payable in respect of a service, an amount that is greater than:

(a) 10% of the maximum amount that would otherwise be payable under this Order to the physiotherapist in respect of the medical or related treatment, or

(b) the amount permitted under the New Tax System Price Exploitation Law,

whichever is the lesser.

7. Definitions

In this order:

Case Conference means a face-to-face meeting or teleconference with the rehabilitation provider, employer, and/or worker to discuss a worker's treatment, return to work plan and / or strategies to improve a worker's ability to return to work. File notes of case conferences are to be documented in the physiotherapist's records indicating discussion and outcomes. This information may be required for invoicing purposes. Discussions between treating doctors and practitioner are considered a normal interaction between referring doctor and practitioner and is not to be charged as a case conference item.

Complex treatment means treatment related to complex pathology and clinical presentation including, but not limited to, extensive burns, complicated hand injuries involving multiple joints and tissues and some complex neurological conditions, spinal cord injuries, head injuries and major trauma. Provision of complex treatment requires pre-approval from the insurer. It is expected that only a small number of claimants will require treatment falling within this category.

Group/class intervention occurs where a physiotherapist delivers a common service to more than one person at the same time. Examples are aquatic physiotherapy classes and exercise groups. Maximum class size is six (6) participants. A Physiotherapy Management Plan is required for each worker.

GST has the same meaning as in the New Tax System (Goods and Services Tax) Act 1999 of the Commonwealth.

Home visit applies in cases where, due to the effects of the injuries sustained, the worker is unable to travel. The home visit must be the best and most cost-effective option allowing the physiotherapist to travel to the worker's home to deliver treatment.

Provision of home treatment requires pre-approval from the insurer.

Initial consultation means the first session provided by the physiotherapist in respect of an and treatment injury which includes:

- history taking
- physical assessment
- diagnostic formulation
- goal setting and planning treatment
- treatment/service
- clinical recording
- communication with referrer
- preparation of a management plan when indicated.

New Tax System Price Exploitation Law means

(a) the New Tax System price Exploitation Code as applied as a law of New South Wales by the Price Exploitation Code (New South Wales) Act 1999, and

(b) Part VB of the Trade Practices Act 1974 of the Commonwealth

Normal practice means premises in or from which a physiotherapist regularly operates a physiotherapy practice and treats patients. It also includes facilities where service may be delivered on a regular or contract basis such as a hydrotherapy pool, gymnasium, private hospital or workplace.

Physiotherapist means a registered physiotherapist.

Physiotherapy Management Plan means the document used by the physiotherapist to indicate treatment timeframe and anticipated outcomes for an injured worker to the relevant workers compensation insurer.

A Physiotherapy Management Plan provides the mechanism to request approval from the relevant workers compensation insurer for treatment beyond:

(a) the initial eight (8) consultations (when an injured worker has not attended for any previous treatment of a physical nature for this injury); or

(b) the initial consultation/treatment (when an injured worker has attended for previous treatment of a physical nature for this injury).

A Physiotherapy Management Plan can request approval for up to an additional eight (8) physiotherapy consultations unless otherwise approved by the insurer.

Physiotherapy services refers to all services delivered by a registered physiotherapist and each service is to be billed according to the Fee Schedule. Physiotherapy services may include, but are not limited to, acupuncture, aquatic physiotherapy, pilates, massage and exercise instruction.

Report Writing occurs when a physiotherapist is requested to compile a written report providing details of the worker's treatment, progress and work capacity. The insurer must provide pre-approval for such a service.

Standard consultation and treatment means treatment sessions provided subsequent to the initial session and includes:

- re-assessment
- intervention/treatment
- clinical recording
- preparation of a Physiotherapy Management Plan when indicated.

The Act means the Workers Compensation Act 1987.

Travel occurs when the most appropriate clinical management of the patient requires the physiotherapist to travel away from their normal practice. Travel costs do not apply where the Physiotherapist provides contracted service to facilities such as a private hospital, hydrotherapy pool, workplace or gymnasium. The insurer must provide pre-approval for such a service.

Two (2) distinct areas means where two (2) entirely separate compensable injuries or conditions are assessed and treated and where treatment applied to one condition does not affect the symptoms of the other injury e.g. neck condition plus post fracture wrist. It does not include a condition with referred symptoms to another area.

WorkCover means the WorkCover Authority of New South Wales.

WorkCover approved Physiotherapist means a physiotherapist who has, either before or after the commencement of this Order, by a date notified by WorkCover, participated in the WorkCover Training Courses and any other course approved by WorkCover (if any) for the purpose of this Order.

Schedule A

Maximum fees for Physiotherapists generally

<i>Item</i>	<i>Column 1 Type of Treatment</i>	<i>Column 2 Maximum Amount (\$)</i>
Normal Practice		
1.	Initial consultation and treatment	50
2.	Standard consultation and treatment	40
3.	Initial consultation and treatment of two (2) distinct areas	75
4.	Standard consultation and treatment of two (2) distinct areas	60
5.	Complex treatment	80
6.	Group/class intervention	30/participant
Home Visit		
7.	Initial consultation and treatment	62
8.	Standard consultation and treatment	50
9.	Initial consultation and treatment of two (2) distinct areas	94
10.	Standard consultation and treatment of two (2) distinct areas	75
11.	Complex treatment	100
Other		
12.	Case conference	100/hour
13.	Report writing	100 (maximum)
14.	Travel	\$1.00 per kilometre

Schedule B

Maximum fees for WorkCover approved Physiotherapists

<i>Item</i>	<i>Column 1 Type of Treatment</i>	<i>Column 2 Maximum Amount (\$)</i>
Normal Practice		
15	Initial consultation and treatment	67.60
16	Standard consultation and treatment	57.20
17	Initial consultation and treatment of two (2) distinct areas	101.90
18	Standard consultation and treatment of two (2) distinct areas	86.30
19	Complex treatment	114.40
20	Group/class intervention	40.60/participant
Home Visit		
21	Initial consultation and treatment	83.20
22	Standard consultation and treatment	66.60
23	Initial consultation and treatment of two (2) distinct areas	122.70
24	Standard consultation and treatment of (2) distinct areas	105
25	Complex treatment	135.10
Other		
26	Case conference	135.10/hour
27	Report writing	135.10 (maximum)
28	Travel	\$1.25 per kilometre

WORKERS COMPENSATION ACT 1987

WORKERS COMPENSATION (OSTEOPATHY FEES) ORDER 2007

under the Workers Compensation Act 1987

I, JON BLACKWELL, Chief Executive Officer of the WorkCover Authority of New South Wales, pursuant to section 61 of the Workers Compensation Act 1987, make the following Order.

Dated this 21st day of December 2006.

JON BLACKWELL,
Chief Executive Officer,
WorkCover Authority

Explanatory Note

Treatment by a registered osteopath is one of the categories of medical or related treatment covered under the Workers Compensation Act 1987. This Order sets the maximum fees for which an employer is liable under the Act for treatment by an osteopath of an injured worker's work related injury.

Schedule A to this Order provides for maximum fees for osteopaths generally. Schedule B to this Order provides for higher maximum fee levels for WorkCover approved osteopaths. WorkCover approved osteopaths are those who have participated in training courses approved or run by WorkCover.

1. Name of Order

This Order is the Workers Compensation (Osteopathy Fees) Order 2007 No. 1.

2. Commencement

This Order commences on 1 January 2007.

3. Application of Order

This Order applies to treatment provided on or after the date of commencement, whether it relates to an injury received before, on or after that date.

4. Maximum fees for osteopathy treatment generally

- (1) The maximum fee amount for which an employer is liable under the Act for treatment of an injured worker by an osteopath, being treatment of a type specified in Column 1 of Schedule A to this Order, is the corresponding amount specified in Column 2 of that Schedule.
- (2) If it is reasonably necessary for an osteopath to provide treatment of a type specified in any of items 7 to 11 in Schedule A at the worker's home, the maximum fee amount for which an employer would otherwise be liable under the Act for that type of treatment is increased by an amount calculated at the rate per kilometre (for the number of kilometres of travel reasonably involved) specified for item 14 in Column 2 of Schedule A.
- (3) This clause does not apply to treatment by a WorkCover approved osteopath.

5. Higher maximum fees for treatment by WorkCover approved osteopaths

- (1) The maximum fee amount for which an employer is liable under the Act for treatment of an injured worker by an osteopath, who is a WorkCover approved osteopath, being treatment of a type specified in Column 1 of Schedule B to this Order, is the corresponding amount specified in Column 2 of that Schedule.
- (2) If it is reasonably necessary for a WorkCover approved osteopath to provide treatment of a type specified in any of items 21 to 25 in Schedule B at the worker's home, the maximum fee amount for which an employer would otherwise be liable under the Act for that type of treatment is increased by an amount calculated at the rate per kilometre (for the number of kilometres of travel reasonably involved) specified for item 28 in Column 2 of Schedule B.

6. Goods and Services Tax

- (1) The maximum fee amount for which an employer is liable under the Act in respect of the treatment types specified in:
 - (a) items 12, 13 and 14 of Schedule A to this Order, and
 - (b) items 26, 27 and 28 of Schedule B to this Order,
 may be increased by the amount of any GST payable in respect of the service, and the cost as so increased is taken to be the amount fixed by this Order.
- (2) This clause does not permit an osteopath to charge or recover, in respect of GST payable in respect of a service, an amount that is greater than:
 - (a) 10% of the maximum amount that would otherwise be payable under this Order to the osteopath in respect of the medical or related treatment, or

- (b) the amount permitted under the New Tax System Price Exploitation Law, whichever is the lesser.

7. Definitions

In this Order:

Case Conference means a face-to-face meeting or teleconference with the rehabilitation provider, employer, insurer and/or worker to discuss a worker's treatment in relation to the return to work plan and / or strategies to improve a worker's ability to return to work.

File notes of case conferences are to be documented in the osteopath's records indicating discussions and outcomes. This information may be required for invoicing purposes.

Discussion between treating doctors and osteopaths are considered a normal interaction between referring doctor and practitioner and are not to be charged as a case conference item.

Complex treatment means treatment related to complex pathology and clinical presentation including, but not limited to, extensive burns, complicated hand injuries involving multiple joints and tissues, some complex neurological conditions, spinal cord injuries, head injuries and major trauma. Provision of complex treatment requires pre-approval from the insurer. It is expected that only a small number of claimants will require treatment falling within this category.

Group/class service occurs where an osteopath delivers a common service to more than one person at the same time. Examples are exercise groups and hydrotherapy classes. The maximum class size is six (6) participants. An Osteopathy Management Plan is required for each worker participant.

GST has the same meaning as in the A New Tax System (Goods and Services Tax) Act 1999 of the Commonwealth.

Home visit applies in cases where, due to the effects of the injuries sustained, the worker is unable to travel. The home visit must be the best and most cost-effective option allowing the osteopath to travel to the worker's home to deliver treatment. Provision of home treatment requires pre-approval from the insurer.

Initial consultation and treatment means the first session provided by the osteopath in respect of an injury, and includes:

- history taking
- physical assessment
- diagnostic formulation
- goal setting and planning treatment
- treatment/service
- clinical recording
- communication with referrer
- preparation of an Osteopathy Management Plan when indicated.

New Tax System Price Exploitation Law means:

- (a) the New Tax System Price Exploitation Code as applied as a law of New South Wales by the Price Exploitation Code (New South Wales) Act 1999; and

(b) Part VB of the Trade Practices Act 1974 of the Commonwealth.

Normal practice means premises in or from which an osteopath regularly operates an osteopathy practice and treats patients. It also includes facilities where service may be delivered on a regular or contract basis such as a hydrotherapy pool, gymnasium, private hospital or workplace.

Osteopath means an osteopath registered under the Chiropractors and Osteopaths Act 1991 or the Osteopaths Act 2001 and registered as an osteopath in NSW.

Osteopathy Management Plan means a document used by an osteopath to indicate treatment timeframe and anticipated outcomes for an injured worker to the relevant workers compensation insurer.

An Osteopathy Management Plan provides the mechanism to request approval from the relevant workers compensation insurer for treatment beyond:

- (a) the initial eight (8) consultations (when an injured worker has not attended for any previous treatment of a physical nature for this injury); or
- (b) the initial consultation/treatment (when the injured worker has attended for previous treatment of a physical nature for this injury).

An Osteopathy Management Plan can request approval for up to an additional eight (8) osteopathy consultations, unless otherwise approved by the insurer.

A copy of the form developed by WorkCover for the Osteopathy Management Plan is at Appendix II of the Osteopaths' Guide to WorkCover NSW.

Osteopathy services refers to all services delivered by an osteopath and each service is to be billed according to the applicable fee set out in the Schedules to this Order.

Osteopathy services may include, but are not limited to, massage, exercise instruction, acupuncture and hydrotherapy.

Report Writing occurs when an osteopath is requested to compile a written report providing details of the worker's treatment, progress and work capacity. The insurer must provide pre-approval for such a service.

Standard consultation and treatment means treatment sessions provided subsequent to the initial consultation session and includes:

- re-assessment
- treatment/service
- clinical recording
- preparation of an Osteopathy Management Plan when indicated

The Act means the Workers Compensation Act 1987.

Travel occurs where the most appropriate clinical management of the patient requires the osteopath to travel away from their normal practice. Travel costs do not apply where the osteopath provides contracted service to facilities such as a private hospital, hydrotherapy pool, workplace or gymnasium.

The insurer must provide pre-approval for such a service.

Two (2) distinct areas means where two (2) entirely separate compensable injuries or conditions are assessed and treated and where treatment applied to one condition does not affect the symptoms of the other injury e.g. neck condition plus post fracture wrist. It does not include a condition with referred symptoms to another area.

WorkCover means the WorkCover Authority of New South Wales.

WorkCover approved Osteopath means an osteopath who has, either before or after the commencement of this Order, by a date notified by WorkCover, participated in the WorkCover Training Courses and any other course approved by WorkCover (if any) for the purpose of this Order.

Schedule A

Maximum fees for Osteopaths generally

<i>Item</i>	<i>Column 1 Type of Treatment</i>	<i>Column 2 Maximum Amount (\$)</i>
Normal Practice		
1.	Initial consultation and treatment	50
2.	Standard consultation and treatment	40
3.	Initial consultation and treatment of two (2) distinct areas	75
4.	Standard consultation and treatment of two (2) distinct areas	60
5.	Complex treatment	80
6.	Group/class service	30 per participant
Home Visit		
7.	Initial consultation and treatment	62
8.	Standard consultation and treatment	50
9.	Initial consultation and treatment of two (2) distinct areas	94
10.	Standard consultation and treatment of two (2) distinct areas	75
11.	Complex treatment	100
Other		
12.	Case conference	100 per hour
13.	Report writing	100 (maximum)
14.	Travel	1.00 per kilometre

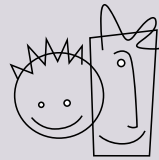
Schedule B

Maximum fees for WorkCover approved Osteopaths

<i>Item</i>	<i>Column 1 Type of Treatment</i>	<i>Column 2 Maximum Amount (\$)</i>
Normal Practice		
15	Initial consultation and treatment	67.60
16	Standard consultation and treatment	57.20
17	Initial consultation and treatment of two (2) distinct areas	101.90
18	Standard consultation and treatment of two (2) distinct areas	86.30
19	Complex treatment	114.40

20	Group/class service	40.60 per participant
Home Visit		
21	Initial consultation and treatment	83.20
22	Standard consultation and treatment	66.60
23	Initial consultation and treatment of two (2) distinct areas	122.70
24	Standard consultation and treatment of (2) distinct areas	105
25	Complex treatment	135.10
Other		
26	Case conference	135.10 per hour
27	Report writing	135.10 (maximum)
28	Travel	1.25 per kilometre

**Working With Children
Operator Guidelines**



nsw commission for
children & young people

December 2006

WORKING WITH CHILDREN OPERATOR GUIDELINES

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Commissioner's Foreword

The Working With Children program makes organisations safer for children and young people by helping employers understand and mitigate the risks posed by their workplaces and employees.

The *Commission for Children and Young People Act 1998* establishes the Working With Children program in NSW.

Children and young people, and the wider community, expect the Working With Children program to be effective and efficient and to make the work environment safer for children and young people. Employers, Approved Screening Agencies and the Commission for Children and Young People all play a part in achieving this outcome.

Approved Screening Agencies (ASAs) carry out background checking as part of the Working With Children program. ASAs have a responsibility to implement the program consistently and fairly and to help maintain its integrity by adhering to standards of best practice.

In addition to its role as an ASA, the Commission for Children and Young People leads the Working With Children program with the support and involvement of other ASAs.

The *Working With Children Operator Guidelines* are designed to guide both the ASAs and the Commission for Children and Young People in their responsibilities for effective and efficient implementation of the Working With Children Check.

The Commission for Children and Young People has also developed other resources to complement these Guidelines and to create safer, friendlier organisations for kids. You can find these resources on the Commission's website at www.kids.nsw.gov.au.



Gillian Calvert

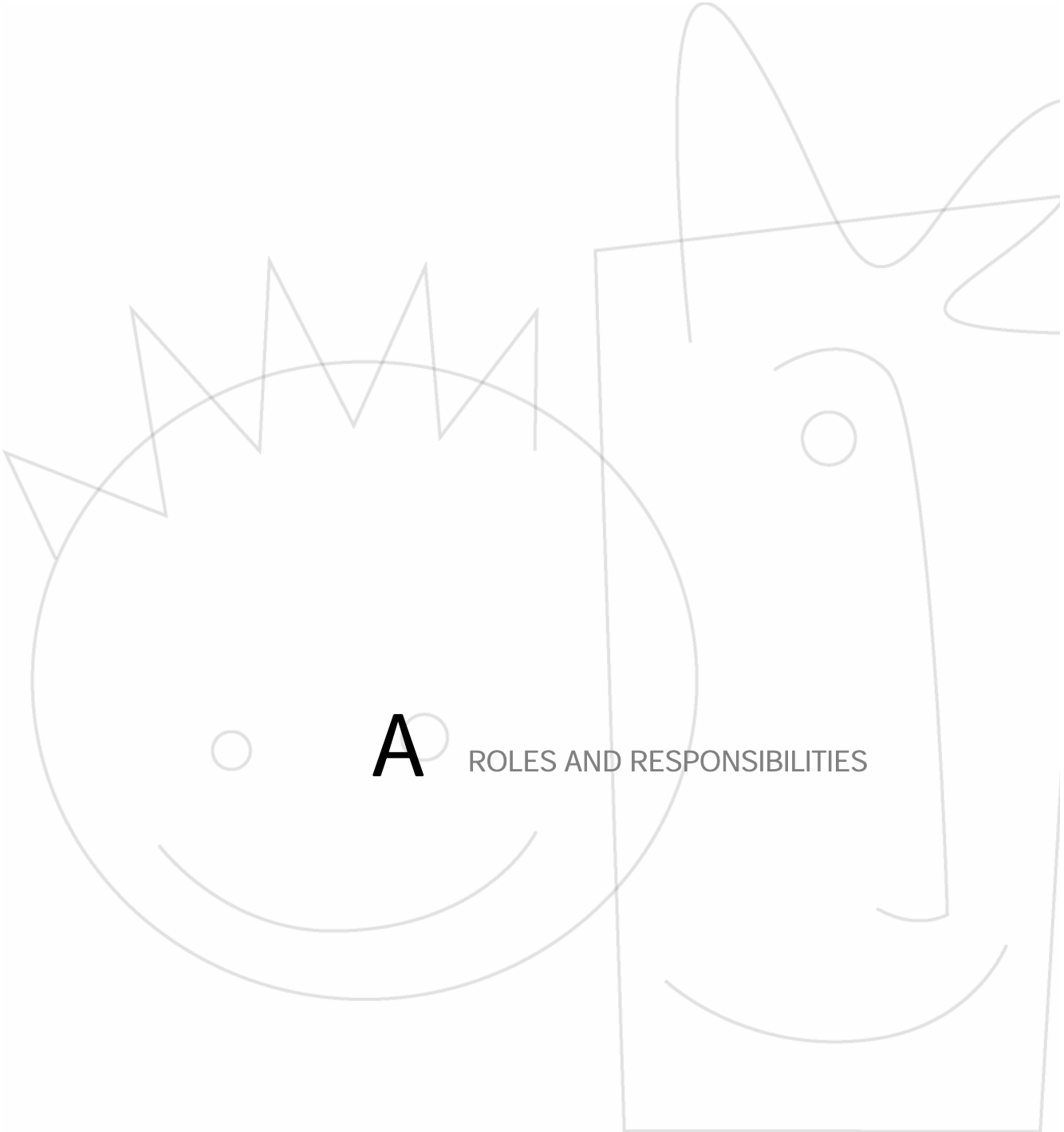
NSW Commissioner for Children and Young People

Explanatory Note

The information in these Guidelines is correct at **2 January 2007**.

Updates will be forwarded to you by the Commission for Children and Young People.

Cross references to other sections in this document or forms are printed in *italicised and underlined text*.



A ROLES AND RESPONSIBILITIES

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The Working With Children Operator Guidelines December 2006 2

1 The roles and obligations of an Approved Screening Agency

1.1 As a provider of quality services to employers

1.1.1 Apply the Guidelines

The *Working With Children Operator Guidelines* are a statutory instrument published by the Minister under the *Commission for Children and Young People Act 1998*.

The *Working With Children Operator Guidelines* contain information for Approved Screening Agencies (ASAs) on the procedures and standards for various parts of the program, including prohibited employment and background checks.

You must apply these Guidelines when operating the Working With Children Check. This will promote consistency amongst all ASAs.

There are separate guidelines for employers. The *Working With Children Employer Guidelines* are available on the Commission for Children and Young People's website at www.kids.nsw.gov.au/check.

1.1.2 Provide advice and assistance

An important part of your role as an ASA is responding to enquiries and requests for assistance.

Good advice and assistance should help employers understand and fulfil their responsibilities.

1.1.3 Respond to complaints

The *Working With Children Employer Guidelines* advise employers who have a complaint about the service provided by their ASA to contact the ASA directly.

You should take all complaints seriously and respond in a timely manner.

See [Section 3.3](#) of these Guidelines for more information about [responding to complaints](#).

1.2 As an operator of the Background Checking System

1.2.1 Register employers

ASAs must register employers who provide [primary child-related employment](#) for the Working With Children background check. You cannot accept a background check request from an employer who is not registered with your agency.

Each ASA must register employers that:

- operate within its sector;
- are funded by the ASA; and/or
- are regulated by the ASA.

See [Section 4](#) of these Guidelines for more information on [registering employers](#).

1.2.2 Undertake background checks, including risk estimates

Registered employers must request background checks for preferred applicants in child-related employment. ASAs must carry out background checks and when required complete estimates of risk for registered employers.

It is important that these tasks are done in a manner that is:

- timely;
- responsive to the needs of the employer; and
- fair to the applicant.

See [Section 5](#) of these Guidelines for more information on [processing applications for background checks](#).

[Section 6](#) of these Guidelines contains information on [Estimates of Risk](#).

1.2.3 Exchange information with other ASAs

If your agency holds information about an applicant, you must share this with another ASA on request, if they require it for the [Working With Children background check](#) or when making an [Estimate of Risk](#). This could include court records, relevant employment proceedings, previous Estimate of Risk reports or other information.

The outcome of a background check and Estimate of Risk is more reliable if an ASA has access to all available information.

See [Section 7.1](#) of these Guidelines for more about [exchanging information with ASAs](#).

1.2.4 Use approved letters and templates

Background checking employers need to receive the same level of service and support from all ASAs. For this reason all ASAs are required to use standard letters and templates approved by the Commission for Children and Young People for the following communications:

- *ASA Letter to Employer – confirming registration*
- *ASA Advice to Employer – results of background check*
- *ASA Letter to Employer – request for information to confirm that position is child-related employment*
- *ASA Advice to Employer – background check not completed*
- *ASA Assessment to confirm position is child related employment when a relevant record is found*
- *ASA Fax to other ASAs – information required*
- *ASA Letter to Employer – request for relevant employment proceedings information*
- *ASA Request to CCYP to review relevant employment proceedings*
- *ASA Fax to Ombudsman – relevant employment proceedings information required*
- *ASA Letter to Applicant – fingerprints required*
- *ASA Letter to Police – fingerprint check*
- *ASA Fax to Court – criminal records information required*
- *ASA Fax to Court – AVO records information required*
- *Notification Form Identified Prohibited Person*
- *ASA Advice to Applicant – they are a prohibited person*
- *ASA Advice to Employer – applicant is a prohibited person*
- *ASA Advice to Employer – they have not required applicant to declare they are a prohibited person*
- *Employment Outcome Data Collection Template*
- *KPI Reporting Spreadsheet*

1.2.5 Maintain security & confidentiality

ASAs are privy to sensitive and private information obtained during the Working With Children Check.

All information obtained by an ASA for the Working With Children Check must be stored securely and only shared with authorised persons on a strict 'need-to-know' basis.

Every ASA must comply with requirements under relevant privacy legislation and the *CrimTrac contract*.

See [Section 7.2](#) of these Guidelines for more information.

1.2.6 Maintain records

All ASAs must maintain records used in the Working With Children Check.

These include:

- Employer registration forms
- Background check request forms
- Estimate of Risk records
- Prohibited employment records.

See [Section 7.3](#) of these Guidelines for more information on [maintaining records](#).

1.3 As a partner in the Working With Children Program

1.3.1 Meet targets for the Key Performance Indicators

All ASAs should aim to meet targets on various key performance indicators (KPIs) and make a quarterly report to the Commission for Children and Young People.

KPIs are an important measure of the standards achieved by all the ASAs and help demonstrate continuous improvement in the Working With Children Check.

See [Section 8.1](#) of these Guidelines for more information on [meeting key performance indicators](#).

1.3.2 Provide information to the Commission for Children and Young People

ASAs are obliged under Section 15B of the *Commission for Children and Young People Act 1998* to provide information or documents relating to the Working With Children Check to the Commission for Children and Young People. We collect this information for monitoring and auditing purposes.

See [Section 8.2](#) of these Guidelines for more on [providing information to the Commission for Children and Young People](#).

1.3.3 Participate in quarterly forums

An important requirement for all ASAs is to participate in the quarterly forums.

The Commission for Children and Young People convenes the quarterly ASA Managers Forums to:

- share information;
- discuss common issues; and
- raise and hear matters relating to the Working With Children program.

The Commission for Children and Young People convenes the quarterly Risk Assessment Forums to:

- support best practice;
- discuss common issues; and
- share knowledge that risk assessors gain in their work.

Participating in quarterly forums benefits ASA staff and helps the Working With Children program continue to evolve and improve.

See [Section 8.3](#) of these Guidelines for more information about the [program forums](#).

1.3.4 Stay up to date with the Program

The Commission for Children and Young People is responsible for keeping you up-to-date with changes and new information regarding the Working With Children program.

It is the ASAs' responsibility to make sure all staff are informed of updates and receive new information.

The Commission for Children and Young People's website at www.kids.nsw.gov.au contains information on updates or changes to the legislation and guidelines. Check it regularly for new information.

In addition to publishing information on the website, the Commission for Children and Young People will circulate new information via:

- email;
- written correspondence; or
- quarterly forums.

You should tell other ASAs and the Commission for Children and Young People of emerging issues. We encourage you to make notifications as soon as possible as the issue may require a prompt response.

2 The roles and obligations of the Commission for Children and Young People

2.1 As leader and representative of the Working With Children Program

As the leader and representative of the Working With Children program, the Commission for Children and Young People has a number of roles and obligations.

2.1.1 Maintain and update the Guidelines

The Commission for Children and Young People is responsible for updating the *Working With Children Operator Guidelines* and the *Working With Children Employer Guidelines*.

The Commission for Children and Young People consults on the Guidelines with all the ASAs before recommending new Guidelines to the Minister.

2.1.2 Continuous improvement of the Program

The Commission for Children and Young People supports continuous improvement in the Working With Children program:

- through our monitoring and auditing program;
- by responding to issues and complaints raised by employers, ASAs and other stakeholders; and
- by learning from research.

2.1.3 Liaise and consult with ASAs and other key stakeholders

The Commission for Children and Young People must liaise with ASAs before finalising relevant contracts, implementing significant new practices and changing significant aspects of the Working With Children program.

2.1.4 Manage the resolution of disputes

If there is a dispute between ASAs, the managers of the ASAs should meet to discuss the issue and come to a mutual agreement.

If ASA managers are not able to arrive at a mutual agreement, they can ask the Commission for Children and Young People for support, including mediation.

2.1.5 Respond to complaints

If the Commission for Children and Young People receives a complaint about an ASA, we will inform the subject ASA. You should follow your agency's internal complaints or grievances procedure to respond to the complaint.

The Commission for Children and Young People may audit your agency's background checking and [Estimate of Risk](#) processes in response to a complaint or dispute.

If you have a complaint about the Commission for Children and Young People, you should contact the Director, Operations on (02) 9286 7276 to discuss the issue.

The Commission for Children and Young People will engage an independent mediator if complaints or disputes between us and another ASA cannot be resolved.

If you are not satisfied with the outcome of a dispute with the Commission for Children and Young People, you may contact the NSW Ombudsman on (02) 9286 1000.

2.1.6 Negotiate contracts with CrimTrac

CrimTrac supplies ASAs with criminal record information for the Working With Children background check.

The Commission for Children and Young People negotiates the contract with CrimTrac to provide this service for all ASAs. You will have the opportunity to review the contract and give us feedback before it is finalised.

The Commission for Children and Young People and the ASAs co-sign all contracts with CrimTrac.

2.1.7 Promote the Program

The Working With Children program can only be effective if all the organisations and individuals affected by it are aware of the program and fulfil their responsibilities.

The Commission for Children and Young People promotes the Working With Children program to raise awareness of it and help stakeholders understand their responsibilities.

2.1.8 Report to Parliament on the Program

The Commission for Children and Young People reports annually to the NSW Parliament on the Working With Children program.

The Commission for Children and Young People compiles the information we receive from all ASAs on a number of [key performance indicators](#) into a single report which we submit to the NSW Parliament on an annual basis.

2.2 As provider of Working With Children Check IT systems

The Commission for Children and Young People provides IT systems through which information relating to the Working With Children program flows between the ASAs, CrimTrac, Police and other organisations that provide relevant information for the background checking process.

Part of the IT system is the ESS database in which the following information is stored:

- completed [relevant employment proceedings](#);
- [relevant Apprehended Violence Orders](#);
- the outcomes for individuals who have been previously checked; and
- employment decisions if the employer did not engage the applicant because of the information in the [Estimate of Risk](#) report.

The Commission for Children and Young People is responsible for maintaining the ESS database. This includes updating and correcting the information stored on the database.

2.3 As operator of the Prohibited Employment System

2.3.1 Provide advice to applicants on prohibited employment status

It is an offence for a [prohibited person](#), including those who are self-employed, to:

- apply for, or otherwise attempt to obtain work in, [child-related employment](#); or
- undertake child-related employment; or
- remain in child-related employment.

The Commission for Children and Young People provides advice to applicants on their prohibited employment status. This advice may include:

- whether the individual is eligible to make a review application;
- how to seek legal representation; and
- what sort of employment the individual is allowed to perform by law if they are a prohibited person.

You may also provide this advice to an applicant if you discover they are a *prohibited person*. Refer to [Section 6.5](#) in these Guidelines for more information on [identifying prohibited persons](#).

2.3.2 Respond to applications for reviews of status

Some [prohibited persons](#) are entitled to make an application to have their prohibited persons status reviewed. If their application is successful, they may seek [child-related employment](#), subject to any conditions imposed.

A review application can be made to the:

- Commission for Children and Young People;
- Industrial Relations Commission; or
- Administrative Decisions Tribunal.

ASAs are not required to respond to applications for reviews from prohibited persons.

Not every prohibited person is entitled to seek a review of their status. Refer to Section 33G of the *Commission for Children and Young People Act 1998* for more information.

Further information on applying for a review of prohibited person status and how the Commission undertakes a review is available from the Commission for Children and Young People's website at www.kids.nsw.gov.au/check.

2.4 As monitor and auditor of employers, ASAs and the Program

2.4.1 Conduct a planned audit program

The Commission for Children and Young People operates an annual audit program to check if ASAs and employers are fulfilling their legislative responsibilities.

Under Section 33S of the *Commission for Children and Young People Act 1998*, the Commission for Children and Young People may audit and monitor compliance with requirements and procedures relating to prohibited persons.


Under Section 36(f) of the *Commission for Children and Young People Act 1998*, the Commission for Children and Young People may monitor and audit compliance with the procedures and standards for background checking.

Section 15B of the *Commission for Children and Young People Act 1998* gives the Commission for Children and Young People the power to compel the production of information we need to fulfil our monitoring and audit function.

If the Commission for Children and Young People requires information on a matter being monitored or audited, we will send a written request to:

- an officer of a government agency;
- an employer; or
- an employer-related body (including ASAs).

If the Commission for Children and Young People is going to audit your ASA, we must send you notice in writing. The notice must state when the audit will be carried out and which information we will review during the audit.



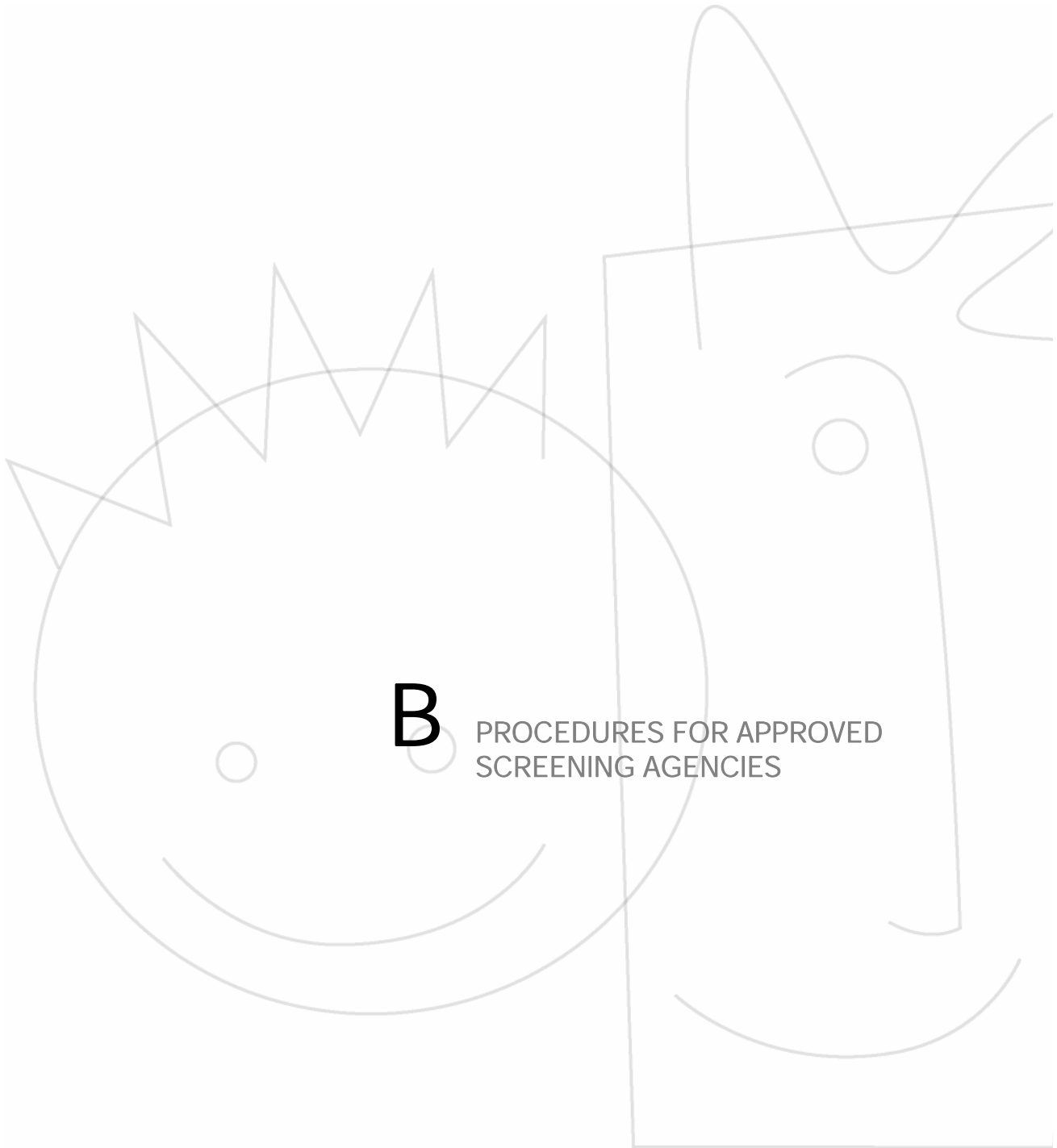
Once the Commission for Children and Young People has completed the audit, we will send you the draft report for comment. We will send the final report, which may contain recommendations, after receiving your comments on the draft version.

The Commission for Children and Young People may raise an audit issue at an [ASA Managers' Forum](#) for discussion if it is appropriate.

2.4.2 Conduct random audits

In addition to our annual audit program, the Commission for Children and Young People may audit an ASA outside the planned audit program.

The Commission for Children and Young People must follow the same procedure as a planned audit.



B PROCEDURES FOR APPROVED
SCREENING AGENCIES

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The Working With Children Operator Guidelines December 2006 11

3 Providing quality services to employers

3.1 Consistency of service using Guidelines

The *Working With Children Operator Guidelines* give all ASAs a single point of reference for the Working With Children program.

All ASA staff must follow these Guidelines to create a consistency of service.

In addition to these Guidelines, you must be familiar with and apply:

- the *Working With Children Employer Guidelines*, including forms; and
- the [relevant legislation](#).

3.2 Providing advice and assistance to employers

When handling an enquiry or request for assistance from an employer, your response should be consistent with:

- the *Commission for Children and Young People Act 1998* and its regulations;
- these Guidelines; and
- the *Working With Children Employer Guidelines*.

You are accountable for the information you give employers and how that information is used. For this reason, it is important that your ASA:

- registers incoming correspondence;
- keeps a record of written responses; and
- keeps file notes of all conversations with employers in which you provide advice.

File notes should include:

- the employer's name;
- the staff member's name;
- the date of the conversation;
- the issue; and
- the advice given.

Make sure that file notes are legible so any staff member is able to read them if necessary.

3.3 Responding to complaints

Your ASA should have policies and procedures for responding to complaints.

If you receive a complaint about your ASA's service, you should respond fairly and efficiently and be committed to seeking a resolution that satisfies all parties. To do this, you may require certain information, including:

- details of the complaint;
- who is involved; and
- what steps can be taken to resolve the complaint and prevent future complaints in this area.

Complaints policies and procedures should clearly outline staff responsibility with respect to recording, investigating, responding to and escalating complaints.

Where possible, you should try and resolve the complaint directly with the employer. Employers can refer their issue to the Commission for Children and Young People if they do not receive a satisfactory response.

If an ASA receives the same complaint more than once, it should review its processes carefully and may wish to conduct an internal audit to identify the causes giving rise to the complaint.

ASAs may refer complaints to the Commission for Children and Young People for assistance and support.

4 Registering Employers

ASAs are responsible for registering employers that operate in their industry, as per the list below:

Commission for Children and Young People

- child care and child-minding;
- foster care;
- transport sector (not government school buses);
- entertainment venues where the clientele is primarily children (not sports venues);
- religious organisations;
- non-government schools (not private educational service providers);
- private tutors (not sports coaches);
- welfare; and
- law enforcement and justice.

Catholic organisations in any of the above sectors should register with the Catholic Commission for Employment Relations.

NSW Department of Education and Training

- government schools, TAFE colleges and private educational service providers;
- school bus services;
- taxi services for the transport of children with a disability in government schools; and
- homestay service providers.

NSW Department of Health

- wards of public and private hospitals;
- direct services for children in health or allied health fields;
- health counselling and support services;
- employment agencies for health or allied health staff; and
- ambulances.

NSW Department of the Arts, Sport and Recreation

- sport and recreation clubs or associations;
- sports coaching;
- overnight sport and recreation camps; and
- sport and recreation venues where the clientele is primarily children (such as public swimming pools and leisure centres).

Catholic Commission for Employment Relations

- Catholic education;
- Catholic welfare;
- Catholic religious organisations; and
- Catholic health services.

To register an employer, you must:

- receive a completed [Employer Registration](#) (Attachment One in the *Working With Children Employer Guidelines*);
- confirm that the employer has sent the form to the correct ASA; and
- enter the employer's details into the ESS database, or your own system which is automatically updated in ESS.

Once registered, you must send the employer the standard letter, *ASA Letter to Employer – confirming registration*, as approved by the Commission for Children and Young People.

If an employer applies to register with the wrong ASA, you should contact the employer to advise them who to register with and why.

If an employer does not fit within the above lists, they should be registered with the ASA that best represents their industry.

Occasionally, there may be a dispute between ASAs about which ASA an employer should register with. If you are unable to resolve the dispute, contact the Manager, Working With Children, at the Commission for Children and Young People for clarification on (02) 9286 7230.

When a registered employer sells or otherwise transfers their organisation to a new employer, the background checks already carried out remain valid. If this new employer does not hold records of these checks ask the employer for a list of the transferred staff (full names and dates of birth) and provide the check records for these staff to the new employer. Where the former employer has not carried out checks, the new employer carries the risk that arises as Working With Children background checks are not available for existing staff. However, the new employer can request existing staff to complete a [Prohibited Employment Declaration](#) (Attachment Four in the *Working With Children Employer Guidelines*)

5 Processing Applications for Checks

5.1 Receiving requests for checks

To request a Working With Children background check for applicants they are considering for [child-related employment](#), employers must:

- complete the [Working With Children Background Check Request](#) (Attachment Six in the *Working With Children Employer Guidelines*), or an alternative form that the Commission for Children and Young People has approved for this purpose; and
- send this form to the ASA they are registered with.

See [Section 5.2](#) of these Guidelines for information on [making sure check requests are valid](#).

5.2 Verifying validity of requests

When you receive a request for a background check, you must verify that the request is valid before it can be processed.

A request is *not* valid if it is **not mandatory** under the *Commission for Children and Young People Act 1998*:

- the position applied for is not [primary child-related employment](#); or
- the check is for an existing employee who is not changing to a different type of primary child-related employment.

If necessary, ASAs may seek further information from the employer using the standard letter approved by the Commission for Children and Young People, *Letter to Employer – request for information to confirm position is child-related employment*, to assist in determining if the position is primary child-related employment.

A request is also *not* valid if:

- the employer has used the wrong form;
- there is data missing on the application form; or
- the application form is not signed by an authorised person.

You must not process an invalid background check request.

If you have received an invalid background check request, contact the employer to inform them why it cannot be processed. You should make a file note of the conversation with the employer.

If the check request was not mandatory for either of the reasons listed above, you must fax the employer a copy of the standard letter approved by the Commission for Children and Young People, *Advice to employer - background check not completed*.

If the check request is valid, see [Section 5.3](#) of these Guidelines for information on [forwarding check requests to the Commission for Children and Young People](#).

5.3 Forwarding requests to the Commission

You must send all valid background check requests to the Commission for Children and Young People to be processed.

Your agency should endeavour to submit valid check requests to us within two days of receipt from the employer. This is one of the [key performance indicators](#).

The privacy of this information is protected because ASAs send all background check requests to the Commission for Children and Young People via the secure IT platform.

Send your check requests to the Commission for Children and Young People by 2pm to enable us to forward all the requests to CrimTrac by 3pm.

CrimTrac holds information for [relevant criminal records](#). Records of [relevant Apprehended Violence Orders](#) and [relevant employment proceedings](#) are held in the ESS database.

See [Section 5.4](#) of these Guidelines for information on [receiving results of the criminal record check](#) from CrimTrac.

[Section 5.5](#) of these Guidelines contains information on results of the [ESS database search for other relevant records](#).

5.4 CrimTrac check outcomes

CrimTrac will send initial results from [relevant criminal record](#) checks back to the Commission for Children and Young People the morning after the request is received, unless there is a delay. If there is a delay, we will advise all ASAs by group email.

Initial results from CrimTrac will either contain no criminal record matches for the individual or a possible match which CrimTrac will continue to investigate.

A possible match occurs if there are criminal records that belong to people with the same or similar name or date of birth, etc.

See the flow chart in [Appendix 1](#) of these Guidelines for an overview of the [possible outcomes of a CrimTrac search](#).

5.4.1 No criminal record matches

If CrimTrac did not find any possible [relevant criminal record](#) matches, they will notify the Commission for Children and Young People that the criminal record search for the applicant is clear.

The Commission for Children and Young People will then run a check for other relevant records in the ESS database and pass the final results back to you.

See [Section 5.5](#) of these Guidelines for more information about [ESS check results](#).

5.4.2 Possible criminal record matches

If CrimTrac believes the applicant may have a [relevant criminal record](#), they will notify the Commission for Children and Young People that they will carry out further investigations.

The Commission for Children and Young People will run a check for other relevant records in the ESS database and provide those results to you.

After completing further investigations, CrimTrac will provide results for any applicants that had a possible match.

If the employer contacts you in the meantime seeking information about the background check, advise the employer that you are still awaiting results of the check. Do not tell the employer that the initial results indicated a possible match as they may misinterpret this information.

There are a number of possible outcomes for the applicants that CrimTrac had to investigate further. These are described below.

There is no criminal record.

CrimTrac will notify you directly. If the applicant has no other records that are relevant, you can notify the employer using the standard letter approved by the Commission for Children and Young People, *Advice to Employer – results of background check*.

The applicant has criminal records in NSW only.

If there are any relevant offences, CrimTrac will forward details to you of these offences only. You must then proceed with [preparing for an Estimate of Risk](#).

If there are no relevant offences, CrimTrac will inform you that there are no relevant criminal records. You will not receive details of any irrelevant offences. If the applicant has no other records that are relevant, you can notify the employer using the standard letter approved by the Commission for Children and Young People, *Advice to Employer – results of background check*.

The applicant has no criminal records in NSW but does have criminal records in only ONE other Australian state or territory.

Because criminal legislation differs between Australian jurisdictions, CrimTrac will forward you details of all criminal records.

You must then assess whether any records are for relevant offences and whether the applicant has committed an offence that makes them a [prohibited person](#).

See Section 33B of the *Commission for Children and Young People Act 1998* for more information about prohibited persons.

If the applicant has committed an offence that makes them a prohibited person, see [Section 6.5](#) of these Guidelines for [information on what to do](#).

If the applicant has at least one record of a relevant offence, you must proceed with [preparing for an Estimate of Risk](#).

If the applicant has no other relevant records, you can notify the employer using the standard letter approved by the Commission for Children and Young People, *Advice to Employer – results of background check*. You must also:

- obtain the signature of a supervising officer who must also verify that the records are not for child-related offences;
- destroy the records; and
- make a note in ESS that the criminal records were destroyed.

Do not commence the [Estimate of Risk](#) if there are no other records that are relevant.

The applicant has criminal records in more than one Australian state or territory (may include NSW).

CrimTrac will collate all the criminal records and send them to NSW Police who will do a final vetting to confirm whether the offences are relevant or not. NSW Police will send their findings back to CrimTrac.

If there were any relevant offences, CrimTrac will send you details of those offences only. You must then proceed with [preparing for an Estimate of Risk](#).

If there are no relevant offences, CrimTrac will notify you that the criminal record check is clear. If the applicant has no other relevant records, you can notify the employer using the standard letter approved by the Commission for Children and Young People, *Advice to Employer – results of background check*. Do not proceed with the [Estimate of Risk](#) if there are no other records that are relevant.

5.5 ESS Check outcomes

The ESS database contains information on [relevant Apprehended Violence Orders](#) (AVOs) and [relevant employment proceedings](#).

The Commission for Children and Young People will upload all the initial results from CrimTrac into the ESS database.

The ESS database search will provide results of any relevant AVOs or relevant employment proceedings belonging to the applicants.

The Commission for Children and Young People will send you the initial results of the CrimTrac and ESS searches the day after you submitted the check requests, usually by 11am unless there is a delay.

5.6 Notifying employers if the applicant has no records that are relevant

If the applicant has no records that are relevant, you should send the employer the standard letter approved by the Commission for Children and Young People, *Advice to Employer – results of background check*.

This letter informs the employer that the background check indicates there is no information to suggest that the applicant poses any greater risk to children than any other employee.

You should endeavour to send this letter within one working day of receiving confirmation of the clearance from the Commission for Children and Young People. This is one of the [key performance indicators](#).

6 Estimates of Risk

If the applicant has any relevant records, you must make an [Estimate of Risk](#).

6.1 Preparing for an Estimate of Risk

Before proceeding with an [Estimate of Risk](#), you must verify that:

- the position is in [primary child-related employment](#);
- any criminal records are relevant;
- the applicant is not a [prohibited person](#);
- any Apprehended Violence Order and/or relevant employment proceeding records are relevant; and
- the records belong to the applicant.

If you are not able to verify any of these items then you cannot conduct an Estimate of Risk and you must inform the employer using the appropriate form as indicated in the following sections. You must seek approval for your decision from a senior officer within your agency.

Where you request information from an employer or applicant in preparation for an Estimate of Risk you must request that all information provided to you is marked "Confidential – for addressee only".

Any telephone contact with the applicant should not be done by the person who may eventually do the Estimate of Risk.

6.2 Verifying the position is in primary child-related employment

When you first received the employer's request for a background check, you should have made a preliminary assessment to confirm the position is in [primary child-related employment](#).

However, if the background check has identified any records, it is important to revisit this and verify that the position is in primary child-related employment before you commence an [Estimate of Risk](#). This may prevent unnecessary work.

Telephone the employer and ask them to fax you:

- a copy of the completed form, [Is the position child-related employment?](#) (Attachment Three in the *Working With Children Employer Guidelines*);
- the role statement for the position, or any other documentation that describes the expectations and obligations of the position;
- the signed [Prohibited Employment Declaration](#) (Attachment Four in the *Working With Children Employer Guidelines*); and
- the signed [Working With Children Background Check Consent](#) (Attachment Five in the *Working With Children Employer Guidelines*).

You must then follow up the telephone conversation by sending the employer the standard letter approved by the Commission for Children and Young People, *ASA Assessment to confirm position is in child-related employment when a relevant record found*.

The employer should comply with this request as soon as possible, preferably by close of business on the next working day.

Information from the employer should help you verify whether the position fits the definition of primary child-related employment. Refer to [Section 9.1](#) of these Guidelines for a description of what is [child-related employment](#).

If the position is not in primary child-related employment, you must not commence an Estimate of Risk because the background check is not mandatory.

In this instance, telephone the employer and inform them that the position is not primary child-related employment. You must also send a copy of the standard letter approved by the Commission for Children and Young People, *Advice to employer - background check not completed*.

If you confirm the position is in primary child-related employment, the next step is to verify that the records are relevant. See [Section 6.3](#) of these Guidelines for details.

6.3 Obtaining records and verifying that they are relevant

You must obtain additional information to verify that any record is relevant, whether it is a criminal record, employment proceeding or Apprehended Violence Order.

Check the ESS database to see:

- whether an estimate was done previously;
- which ASA completed the previous estimate; and
- what the outcome of the *Estimate of Risk* was.

The ASA may have information that will help you verify the relevance of any records.

If you require information or records that another ASA is holding, send them a copy of the standard letter approved by the Commission for Children and Young People, *ASA Fax to Other ASAs — information required*.

ASAs should provide a copy of any relevant documentation which may include records:

- from the Courts, relating to AVOs and criminal records;
- from the NSW Department of Public Prosecutions;
- relating to relevant employment proceedings; and
- from the Joint Investigative Response Teams (JIRT).

See [Section 7.1](#) of these Guidelines for details on *exchanging information with other ASAs*.

It is your duty to actively seek as much information as you can about the record. Do not assume that there is no information until you have exhausted all possible avenues.

6.3.1 Verifying the relevance of a criminal record

If the applicant has a criminal record, check the list of [Relevant Criminal Records for the Working With Children Check](#) to verify whether it is a relevant criminal record.

Criminal offences that are considered relevant records may change over time. There may be amendments to criminal legislation in Australian states and territories to reflect changing standards. Existing offences may be repealed or renamed and new offences may be included.

If the offence does not appear in the list of *Relevant Criminal Records for the Working With Children Check*, or for any reason you are uncertain about the relevance of the record, contact the Commission for Children and Young People for clarification.

If the record is not a relevant criminal record, and there are no other records that are relevant, you must not commence an *Estimate of Risk*. You must notify the employer using the standard letter approved by the Commission for Children and Young People, *Advice to Employer – results of background check*.

6.3.2 Verifying the relevance of an Apprehended Violence Order

If the ESS check identifies an Apprehended Violence Order (AVO), you must verify that it is a [relevant Apprehended Violence Order](#).

If you cannot determine whether the AVO is relevant, you must contact the court where the AVO originated. They will have a closer look at the record to determine whether it is a relevant record for the purposes of the Working With Children Check. If the court is unable to make this determination, contact the AVO unit at NSW Police for assistance. The contact number is (02) 8835 7719.

If the record is not a relevant AVO, and there are no other relevant records, you must not commence an [Estimate of Risk](#). You must then notify the employer using the standard letter approved by the Commission for Children and Young People, *Advice to Employer – results of background check*.

NSW Police should not forward details of AVOs if they are not relevant to the Working With Children Check although this may happen occasionally. You should notify the Commission for Children and Young People each time this happens so we can discuss with Police to help reduce errors.

6.3.3 Verifying the relevance of an employment proceeding

If you receive the record of a [relevant employment proceeding](#) belonging to the applicant, you must verify that it is a relevant employment proceeding.

Occasionally, employers may notify employment proceedings that should not have been notified, or notify them in the wrong category.

For this reason, you should carefully consider all relevant employment proceedings and their category. To do this, you must obtain related documentation from the employer, unless you have already received this information from another ASA who previously conducted an [Estimate of Risk](#).

Category One relevant employment proceedings trigger an Estimate of Risk, regardless of whether the applicant has other relevant records.

Category Two relevant employment proceedings by themselves do not trigger an Estimate of Risk.

You must take a Category Two matter into account for an Estimate of Risk if the applicant has other relevant records.

6.3.4 How to obtain information about a relevant employment proceeding

Contact the employer by telephone and ask to speak with the staff member who made the notification. If that person no longer works in the organisation, ask to speak with the staff member that replaced them or their manager. If the contact name has changed, you must contact the Commission for Children and Young People and request that the employer's contact details be updated in the ESS database.

Advise this person that the record has appeared in a background check on their former employee and you require the following information to assess the record:

- documentation they provided to the Commission for Children and Young People at the time of the original notification;
- documentation supporting their decision to notify the relevant employment proceeding as Category One or Category Two; and
- the [Relevant Employment Proceedings Summary](#) (Attachment Nine in the *Working With Children Employer Guidelines*).

The employer must complete a [Relevant Employment Proceedings Summary](#) for every relevant employment proceeding. If they did not complete this form at the time of the proceeding, they must do so to the best of their ability and send it to you at your request.

Inform them that you will send a fax requesting all the relevant documentation, using the standard letter approved by the Commission for Children and Young People, *ASA Advice to Employer – request for relevant employment proceedings information*. The employer must comply with this request within ten days of receiving the fax. They must send the documentation by secure fax or post marked "Confidential — for addressee only".

6.3.4.1 If the employment proceeding is not relevant or is in the wrong category

After reviewing the information from the employer, you may agree that the [relevant employment proceeding](#) (REP) was correctly notified and was allocated the appropriate category.

If the REP is a Category One matter, you should commence an [Estimate of Risk](#).

If the REP is a Category Two matter, do not commence an Estimate of Risk unless the applicant has other relevant records.

If you believe the matter was not a relevant employment proceeding, or is in the wrong category, you may ask the Commission for Children and Young People to carry out a formal review of the notification.

To do this, forward all the relevant documentation to the Commission for Children and Young People with a completed copy of the standard letter approved by the Commission for Children and Young People, *ASA Request to CCYP to review relevant employment proceeding*.

The Commission for Children and Young People must respond to requests for a review within ten working days. However, we can only do this if you send all the relevant documentation with your request.

If the Commission for Children and Young People decides the matter is not a relevant employment proceeding or was in the wrong category, we will:

- delete the record from the ESS database or amend the category;
- inform the employer who made the notification;
- inform the applicant who was the subject of the employment proceeding; and
- notify you of the outcome of the review.

You must not commence an Estimate of Risk if the Commission for Children and Young People deletes the relevant employment proceeding and there are no other records that are relevant. You should notify the employer using the standard letter approved by the Commission for Children and Young People, *Advice to Employer – results of background check*.

You must not commence the Estimate of Risk if the Commission for Children and Young People changes the category to a Category Two report and there are no other relevant records. You should notify the employer using the standard letter approved by the Commission for Children and Young People, *Advice to Employer – results of background check*.

6.3.5 When you cannot obtain information from the employer

There may be occasions when you cannot obtain information about the [relevant employment proceeding](#) from the employer.

6.3.5.1 Employer unable to provide information

If the employer is covered by Part 3A of the *Ombudsman Act 1974* they should have provided information to the NSW Ombudsman when they completed the employment proceeding. Contact the NSW Ombudsman to see whether they hold records of the reported conduct.

The Commission for Children and Young People has developed a Memorandum of Understanding (MOU) with the NSW Ombudsman to obtain information. The standard letter approved by the Commission for Children and Young People, *ASA Fax to Ombudsman – relevant employment proceeding information required*, is part of this MOU. If you require information from the NSW Ombudsman, you must use this proforma to make your request.

If you receive information about the [relevant employment proceeding](#) from the NSW Ombudsman, you must forward a copy of the information to the Commission for Children and Young People for storage.

If the employer is not covered under Part 3A of the *Ombudsman Act 1974*, or the NSW Ombudsman does not have any information about the relevant employment proceeding, then no information is available.

6.3.5.2 No information available

If there is no information available about the [relevant employment proceeding](#), you cannot take it into account for the [Estimate of Risk](#).

If you cannot obtain information about the relevant employment proceeding and the applicant has no other relevant records, do not commence an Estimate of Risk. You should notify the employer using the standard letter approved by the Commission for Children and Young People, *Advice to Employer – results of background check*.

If you cannot obtain information about the relevant employment proceeding and the applicant has other relevant records, you must complete the Estimate of Risk as though the relevant employment proceeding record did not exist.

You should notify the Commission for Children and Young People if you are unable to obtain information about the relevant employment proceeding. We will make a note in the ESS database that no information is available about that particular relevant employment proceeding.

6.3.5.3 Employers unwilling to provide information

If the employer does not comply with your request to provide information, the Commission for Children and Young People can issue a notice compelling the employer to provide the information. You should tell us when this happens so we can issue the notice promptly.

When the Commission for Children and Young People issues a notice to the employer, we will send you a copy for your records.

If the Commission for Children and Young People receives the [relevant employment proceeding](#) information from the employer directly, we will forward it to you within two days. If you receive the relevant employment proceeding information from the employer, you should notify us.

Employers who fail to produce information at the Commission for Children and Young People's request may be committing an offence.

6.4 Verify that the criminal records belong to the applicant

You must always take into account any criminal records that CrimTrac has matched to the applicant and prepare the [Estimate of Risk](#) accordingly.

Do not override a decision by CrimTrac over whether a criminal record belongs to the applicant, under any circumstances.

If the applicant insists that the record does not belong to them, you must advise them to immediately contact the police of that jurisdiction directly to challenge the record. You must proceed with the Estimate of Risk unless the police inform you that the record does not belong to the applicant. If you are unable to proceed with the Estimate of Risk you must notify the employer using the standard letter approved by the Commission for Children and Young People, *Advice to employer - background check not completed*.

6.4.1 If CrimTrac is not able to match the record

6.4.1.1 There are fingerprints on file

In some instances, CrimTrac is not able to determine whether a criminal record belongs to the applicant and must have a fingerprint to confirm or deny a match.

CrimTrac will send you a fax requesting the applicant's fingerprint. CrimTrac will not provide information about the nature of the record at this stage.

You should then contact the applicant's local police station to confirm that they have the appropriate facilities and available resources to take fingerprints. If the local police station is not able to take fingerprints, ask them to refer you to the nearest police station which can take fingerprints.

Once you have done this, you must send a copy of the standard letter approved by the Commission for Children and Young People, *Letter to Applicant – fingerprint required*, printed on ASA letterhead. You must enclose a copy of the standard letter approved by the Commission for Children and Young People, *Letter to Police – fingerprint check* also printed on ASA letterhead. The applicant must deliver the *Letter to Police – fingerprint check* to the police station when they go for fingerprinting.

You must keep a copy of both of these letters on file.

The local police station will send the fingerprints to the criminal records unit at Police in the relevant jurisdiction who will compare the applicant's fingerprints with those on file.

CrimTrac will then know whether the record matches the applicant or not and will notify you accordingly.

6.4.1.2 There are no fingerprints on file

In some instances, CrimTrac is not able to determine whether a criminal record belongs to the applicant and, because they do not have the offender's fingerprint on file, they require other information to help them make a match.

CrimTrac will send you a request for information to help them confirm or deny a possible criminal record match. This information may include the applicant's:

- driver's licence number;
- photograph;
- address history, and so on.

You must then contact the employer and ask them to obtain this information from the applicant.

The employer must send this information to you within ten working days. When you have the information from the employer, you must send it back to CrimTrac.

CrimTrac will notify you of the outcome of their investigation once it is complete.

6.5 Identifying the applicant as a prohibited person

While carrying out a background check, you may find an offence on the applicant's record that makes them a [prohibited person](#).

The applicant is a prohibited person if they have committed certain offences (see [Section 9.2](#) of these guidelines for information) and:

- they do not have a review order;
- they are in breach of any conditions on their order; or
- there are subsequent records.

In all cases where you identify a prohibited person through the background checking process, you must notify the Commission for Children and Young People, even if the applicant withdraws their application. Use the standard form approved by the Commission for Children and Young People, *Notification Form Identified Prohibited Person*, to do this.

6.5.1 Procedure for identifying the applicant as a prohibited person

If there are offences on the applicant's record which make them a [prohibited person](#), contact the Commission for Children and Young People to find out whether the applicant has a review order. We will also tell you whether there are any conditions on the order and provide you with a copy of the order if required.

6.5.1.1 The applicant is a prohibited person and has no review order

The Commission for Children and Young People will inform you if there is no review order and also confirm whether the applicant is eligible to make a review application.

Contact the applicant and ask whether they know they are a [prohibited person](#).

If you speak with the applicant by phone, you must make a file note of your conversation.

The suggested script for this telephone call is:

"You recently applied for a position which involves working with children and as part of the process, the employer requested a background check of your criminal and work history. During the check, we found a criminal record which may make you a prohibited person. Are you aware of this? Do you have an order that allows you to apply for work with children?"

If the applicant does not have an order they may have committed an offence by applying for [child-related employment](#). It is also an offence if they have signed a [Prohibited Employment Declaration](#) (Attachment Four in the *Working With Children Employer Guidelines*).

You must advise the applicant that they may be in breach of the law. In your conversation with the applicant, make sure you cover the following points (where relevant):

- it is an offence for a prohibited person to apply for or otherwise attempt to obtain, undertake, or remain in, child-related employment;
- they may have committed an offence by signing a [Prohibited Employment Declaration](#) (Attachment Four in the *Working With Children Employer Guidelines*);
- the employer is not allowed by law to offer a position in child-related employment to a prohibited person;
- the applicant may be eligible to seek a review (confirm this with the Commission for Children and Young People before providing this information); and
- you must notify the Commission for Children and Young People who will notify the Police.

You must then send the applicant the standard letter approved by the Commission for Children and Young People, *ASA Advice to Applicant – they are a prohibited person*, to confirm the points discussed in your conversation with them.

After contacting the applicant, you must immediately contact the employer and inform them that the applicant is ineligible and cannot be offered the position. You should follow this up by sending the employer the standard letter approved by the Commission for Children and Young People, *ASA Advice to employer – applicant is a prohibited person*.

Do not tell the employer the nature of the offence that has made the applicant a prohibited person.

If the employer did not obtain a [Prohibited Employment Declaration](#) from the applicant they may have committed an offence. You should advise the employer, using the standard letter approved by the Commission for Children and Young People, *ASA Advice to Employer – they have not required applicant to declare they are not prohibited*, that they may be in breach of the law and that you will notify the Commission for Children and Young People who will inform the Police.

Finally, notify the Commission for Children and Young People. We require you to fax the following documentation to us:

- a completed *Notification Form Identified Prohibited Person*; and
- the [Prohibited Employment Declaration](#) from the employer.

We will notify the police who will decide whether to pursue legal action against the applicant or employer.

Do not proceed with an Estimate of Risk if the applicant is a prohibited person.

6.5.1.2 The applicant has subsequent records

The applicant may have a review order but has subsequent relevant records that were not considered at the time the order was made.

If the subsequent records make the applicant a [prohibited person](#), then the review order is automatically void. Follow the steps outlined in [Section 6.5.1.1](#) of these Guidelines.

If the subsequent records do not make the applicant a prohibited person, you must notify the Commission for Children and Young People. We will review the order and decide whether we will revoke it in light of the subsequent relevant records.

If the Commission for Children and Young People decides to revoke the order, we will notify you of this decision. This means you must not proceed with the [Estimate of Risk](#) because this person is now prohibited.

The Commission for Children and Young People will then notify the applicant that they are no longer exempt from prohibition under the *Commission for Children and Young People Act 1998*. This means the applicant is a prohibited person and cannot apply for or remain in [child-related employment](#).

Finally, the Commission for Children and Young People will also notify the employer that the applicant cannot be offered the position because they are ineligible for child-related employment.

6.5.1.3 The applicant has no conditions on the order

If the applicant has an unconditional review order and all the criminal offences on their record were taken into account when the order was made i.e. there are no subsequent relevant records, do not commence the [Estimate of Risk](#).

You must notify the employer using the standard letter approved by the Commission for Children and Young People, *Advice to Employer – results of background check*.

6.5.1.4 The applicant has conditions on the order

If the person has an order with conditions, you must assess whether the person has complied with the conditions by applying for this particular position. If you are in doubt you should refer the matter to the Commission for Children and Young People for assessment.

You will need a copy of the order to assess whether the applicant is adhering to the conditions. If you have not already obtained a copy of the order from the Commission for Children and Young People, request one now.

If the applicant is not in breach of the conditions, do not commence the [Estimate of Risk](#) because the person is not a [prohibited person](#). You may notify the employer using the standard letter approved by the Commission for Children and Young People, *Advice to Employer – results of background check*.

If the applicant breached the conditions of their order by applying for this position, you must notify the Commission for Children and Young People. We will review the circumstances and decide whether to revoke the order.

If the Commission for Children and Young People decides to revoke the order, we will notify you of this decision. This means you must not proceed with the Estimate of Risk.

The Commission for Children and Young People will then notify the applicant that they are no longer exempt from prohibition under the *Commission for Children and Young People Act 1998*. This means the applicant is a prohibited person and cannot apply for or remain in [child-related employment](#).

Finally, the Commission for Children and Young People will also notify the employer that the applicant cannot be offered the position because they are ineligible for child-related employment.

If the Commission for Children and Young People does not revoke the order, the applicant remains a prohibited person because they have breached the conditions of the order. Follow the steps in [Section 6.5.1.1](#) of these Guidelines.

6.6 Verify that other relevant records belong to the applicant

If any records were disclosed in the background check, you must verify that the records belong to the applicant.

The onus is on the applicant to prove that they are not the person named in the records.

Contact the applicant and explain that during the background check, a relevant record has come up.

Ask the applicant whether they agree that the record(s) relate to them.

If one or more of the records are [relevant employment proceedings](#), the ASA must also seek further information from the applicant about the proceeding(s).

If **the applicant agrees** that the record(s) belongs to them confirm with the applicant that the basic facts of the record are consistent with their own understanding of their history, particularly the action and the outcome.

To do this, you may ask a question such as *“Does your criminal record contain any charges or convictions for serious sex offences and/or child-related offences?”* If yes, ask the applicant to provide details of those matters and the outcome in relation to each matter.

If the applicant **does not agree** that the record(s) applies to them, seek information from the applicant that would establish that they are not the person with this record.

If the record is a criminal record, contact the Police in that jurisdiction eg NSW, Vic, etc and ask to speak with someone in the Criminal Records Section.

If the record is an Apprehended Violence Order (AVO), contact the Police in that jurisdiction and ask to speak with someone in the AVO unit.

If the police believe the applicant is the person named in either the criminal record or the AVO, you will need to obtain a fingerprint. Send the applicant a copy of the standard letter approved by the Commission for Children and Young People, *ASA Letter to Police — fingerprint check*.

If the record is a relevant employment proceeding, contact the employer that made the report. If the employer believes the applicant is the person named in the record, you will need to establish a process with the employer to link the applicant to the record. This may include identifying the person with a photograph.

If the police or the employer agrees that the applicant is not the person named in the record, contact the applicant and tell them that you were able to confirm the record does not belong to them. Do not commence the *Estimate of Risk* unless there are other records that you know belong to the applicant. If you do not commence the Estimate of Risk notify the employer using the standard letter approved by the Commission for Children and Young People, *Advice to Employer – results of background check*.

If the applicant is not able or willing to prove that the record does not apply to them, you cannot complete the Estimate of Risk and therefore the background check cannot be completed. This means the employer may decide not to offer this position to the applicant. You should make sure the applicant understands these consequences.

If you cannot verify whether a record belongs to the applicant, you must notify the employer using the standard letter approved by the Commission for Children and Young People, *Advice to employer - background check not completed*, to inform them that you could not complete the Working With Children Check.

6.7 Conducting an Estimate of Risk

Only a Risk Assessor can undertake an *Estimate of Risk*. No other ASA staff should attempt this task.

All ASAs must use and follow the *Estimate of Risk Model* approved by the Commission for Children and Young People when preparing the Estimate of Risk report. This supports consistency for employers in the Working With Children program.

When you notify the employer of the results of the Estimate of Risk, you must also attach a copy of the *Employment Decision Notification* (Attachment Seven in the *Working With Children Employer Guidelines*). Employers use the *Employment Decision Notification* to report on whether they rejected an applicant for *child-related employment* because of the *Estimate of Risk*.

See [Section 6.10](#) of these Guidelines for information on *collecting data on employment decisions*.

It is a *key performance indicator* for the program that 75% of Estimates of Risk are completed within eight weeks.

6.8 Comparing current and previous Estimates of Risk

If you find a significant difference in the outcome of the new *Estimate of Risk* compared with the previous one, you must review them both to:

- identify if an error has been made; or
- confirm the difference is consistent with the model.

If you require information that another ASA is holding, send them a copy of *Fax to Other ASAs — information required*.

See [Section 7.1](#) of these Guidelines for details on *exchanging information with other ASAs*.

6.9 Detecting errors in completed estimates of risk

There may be occasions when you discover that an error was made in a previous [Estimate of Risk](#). For example, CrimTrac did not provide a relevant criminal record in an earlier check or the previous risk assessor made a calculation error, etc.

If you discover that an error was made in an Estimate of Risk that was completed previously, make a file note of the error and provide a brief to the Commission for Children and Young People outlining:

- which ASA carried out the previous background check;
- the outcome of the previous background check, including if you know whether the applicant was employed. You could find this out by contacting the applicant or employer, or it might be stated in the applicant's resume; and
- the source of the error.

You cannot redo the original Estimate of Risk or complete a new Estimate of Risk for the original position as the person is an existing employee. See [Section 5.2](#) of these Guidelines for information on when a [background check is valid](#).

6.10 Collecting data on employment decisions

ASAs collect data about the decisions employers make based on the results of the Working With Children background check.

The Commission for Children and Young People collates this data and uses it to monitor whether employers are making appropriate employment decisions. The data forms part of our Annual Report.

Two weeks after sending the [Estimate of Risk](#) results to the employer, you must contact them to obtain information on their employment decision.

You must record this information on the standard template approved by the Commission for Children and Young People, *Employment Outcome Data Collection Template*.

Using this document, you must ask the employer the following questions:

- Did they employ the applicant?
- If so, did they change the position so that it is no longer [primary child-related employment](#)? If the employer did this, they must send a copy of the [Employment Decision Notification](#) (Attachment Seven in the *Working With Children Employer Guidelines*) to the Commission for Children and Young People.
- If they employed the applicant in child-related employment, what changes did they make to mitigate the risks?
- If they didn't employ the applicant, did they send a copy of the [Employment Decision Notification](#) to the Commission for Children and Young People?

Use a new form for each applicant.

Within three weeks after the end of each quarter, you must:

- compile all the [Employment Outcome Data Collection Templates](#); and
- send them to the Commission for Children and Young People via email or fax.

You only need to collect the figures for estimates of risk completed within that quarter.

7 Operating the System

7.1 Exchange information with other ASAs

Obtaining or disclosing information for the purpose of the Working With Children Check must be in accordance with Part 7 of the *Commission for Children and Young People Act 1998*.

When an applicant signs the [Working With Children Check Consent](#) (Attachment Five in the *Working With Children Employer Guidelines*), they acknowledge that any information obtained during the Working With Children background check may be collected and used by and/or disclosed to the Commission for Children and Young People, any ASA or employer-related body for the purposes of the Check.

You must fill out the standard letter approved by the Commission for Children and Young People, *Fax to Other ASAs – information required*, and fax it to the relevant ASA. ASAs should comply with the request as quickly as possible to reduce delays in preparing an [Estimate of Risk](#).

You must comply with the CrimTrac contract and any privacy legislation when exchanging information. See [Section 7.2](#) of these Guidelines for more information.

7.2 Maintain security & confidentiality

While operating the Working With Children Check, no other legislation can override the *Commission for Children and Young People Act 1998*. As well as this Act, you must comply with relevant Commonwealth and NSW legislation.

Applicable legislation includes:

- the *Privacy Act 1988 (Cth)*;
- the *Freedom of Information Act 1989 (NSW)*; and
- the *Privacy and Personal Information Protection Act 1998 (NSW)*.

The *Privacy and Personal Information Protection Act 1998 (NSW)*

- applies to NSW state and local government agencies;
- sets privacy standards for dealing with personal information;
- is administered by Privacy NSW, www.lawlink.nsw.gov.au/pc.

The *Privacy Act 1988 (Cth)*

- applies to private sector organisations (including not-for-profits) across Australia;
- sets privacy standards for dealing with personal information;
- is administered by the Office of the Federal Privacy Commissioner, www.privacy.gov.au.

Because the following ASAs are also NSW state government agencies, they must comply with the *Privacy and Personal Information Protection Act 1998 (NSW)*:

- NSW Commission for Children and Young People;
- NSW Department of Education and Training;
- NSW Department of Health; and
- NSW Department of the Arts, Sport and Recreation

The Catholic Commission for Employment Relations must adhere to the privacy standards set in the *Privacy Act 1988 (Cth)*.

It is an offence to disclose information obtained as part of the Working With Children Check, unless the disclosure:

- is made in good faith for the purposes of background checking or the exercise of a function under Part 7 of the *Commission for Children and Young People Act 1998*;
- is made with the consent of the person from whom the information was obtained;
- is ordered by a court, or any other body or person exercising judicial functions, for the purposes of the hearing or determination by the court, body or person of any matter; or
- is made with other lawful excuse.

Under section 48B of the *Commission for Children and Young People Act 1998* it is also an offence to dishonestly obtain confidential information relating to the Working With Children Check.

A person found guilty of any of these offences may be imprisoned for six months and/or fined.

7.2.1.1 Security of criminal history information

Criminal history information is confidential.

Each ASA must manage criminal history information at all times so it remains confidential and to protect the privacy of applicants.

Each ASA must ensure that only authorised ASA staff handle criminal history information and restrict access to this information on a strict 'need-to-know' basis.

Each ASA must keep criminal history information secure and protected by implementing safeguards to prevent, within the agency, any:

- loss;
- unauthorised access;
- use;
- modification;
- disclosure; or
- other misuse, including unauthorised reproduction by any means.

Safeguards for secure storage of information must include:

- accountable documents;
- documents to be placed on numbered files;
- information to be filed on separate files independently of other information;
- files to be marked 'Personnel-In-Confidence';
- the use of lockable filing systems;
- access to information restricted to Authorised Personnel; and
- an instruction to all staff that documents should not be taken from offices unless required for a specific work related function or activity and that all relevant documents should be returned to the appropriate office by close of business that day.

These security measures are requirements of the *CrimTrac contract*.

7.3 Maintain records

When retaining or destroying records, you must comply with:

- the *Functional Disposal Authority*;
- the *CrimTrac contract*; and
- these Guidelines.

7.3.1.1 Criminal history information

You must not keep criminal history information provided by CrimTrac or copies of this information as part of your permanent records.

Only officers authorised to access criminal history information may cull or destroy these records.

You must destroy criminal history information in such a way that will prevent the applicant from being identified from the residue.

Refer to the *CrimTrac contract* for details on retaining criminal history information.

7.3.1.2 Estimate of Risk reports and associated documents

You must keep a hard copy of each [Estimate of Risk](#) on file permanently.

If you send the Estimate of Risk results to the employer by secure fax, it must be stamped "Copy" with the faxed date recorded on the document. If you sent it by post, you must retain a hard copy on file permanently.

You should keep a permanent copy of all documents that you obtained while preparing the Estimate of Risk as other ASAs may request this information in the future.

ASAs must back up their Estimate of Risk electronic records at least weekly.

7.3.1.3 Prohibited Employment records

You must keep a permanent copy of any documentation created or obtained while determining if the applicant is a [prohibited person](#).

You must properly date these documents and obtain appropriate signatures.

8 Participating in the Working With Children Program

8.1 Meeting Key Performance Indicator targets

ASAs must endeavour to meet the targets on four key performance indicators, described in the table below.

Issue	Measure	Calculation	Data Definition	Target
Timeliness of submission of background checks	Percentage of WWCC applications not sent to CCYP within two days of receipt from employer	Number of applications not sent to CCYP within two days of receipt/total number of applications sent to CCYP	"Receipt" is defined as when a valid background check request is received and can be sent to CCYP	Less than 5% of applications are not sent to CCYP within two days of receipt
Timeliness of clearance advice to employers	Percentage of WWCC clearances not sent to employer within one day of receipt from CCYP or CrimTrac	Number of clearances where employer is not notified within one day/total number of clearances	The one-day time period starts when the ASA receives the clearance	Less than 20% of results are not notified within one day of receiving check clearance
Timeliness of ending an Estimate of Risk process when not required	Percentage of matters where Estimate of Risk not required are not completed within four weeks	Number of matters where Estimate of Risk not required are not completed within 4 weeks/total number of matters where Estimate of Risk not required	A matter is completed when the employer is notified of the result. The four-week time period begins when the background check request is validated	Less than 25% of matters when Estimate of Risk not required are not completed within 4 weeks
Timeliness of Estimate of Risk reports	Percentage of Estimate of Risk reports not completed within 8 weeks of receiving check requests	Number of Estimate of Risk reports not completed within 8 weeks/total number of risk estimate reports completed	An Estimate of Risk report is completed if it is finalised. The eight-week time period begins when the background check request is validated	Less than 25% of Estimate of Risk reports are not completed within 8 weeks

ASAs must collate this information and send their results to the Commission for Children and Young People within three weeks after the end of each quarter.

You must use the standard template approved by the Commission for Children and Young People, KPI Reporting Spreadsheet, to send this information to the Commission for Children and Young People.

8.2 Providing information to the Commission for Children and Young People

Your ASA may need to provide information to the Commission for Children and Young People which relates to the Working With Children Check.

The Commission for Children and Young People may request this information under Section 15B of the *Commission for Children and Young People Act 1998*. We collect it for monitoring and auditing purposes.

It is an offence not to comply with a request notice issued under Section 15B of the *Commission for Children and Young People Act 1998* without a reasonable excuse. It is also an offence to knowingly provide the Commission for Children and Young People with information that is false or misleading. A person found guilty of either of these offences may be fined.

If your ASA is required to supply information to the Commission for Children and Young People, the information must be transferred in a secure way.

8.3 Program forums

8.3.1 ASA Managers' Forum

ASA Managers' forums are held every three months at the offices of the Commission for Children and Young People.

The Commission for Children and Young People prepares the forum agenda. If an ASA wishes to discuss an issue at an upcoming forum, they should request that it be added to the agenda four weeks before the forum date. Items may be added after this date if they are urgent or important.

The Commission for Children and Young People will circulate the agenda to all ASA Managers one week before the forum date.

The Commission for Children and Young People will:

- chair the meeting;
- take the minutes; and
- distribute minutes via email within two weeks.

8.3.2 Risk Assessors' Forum

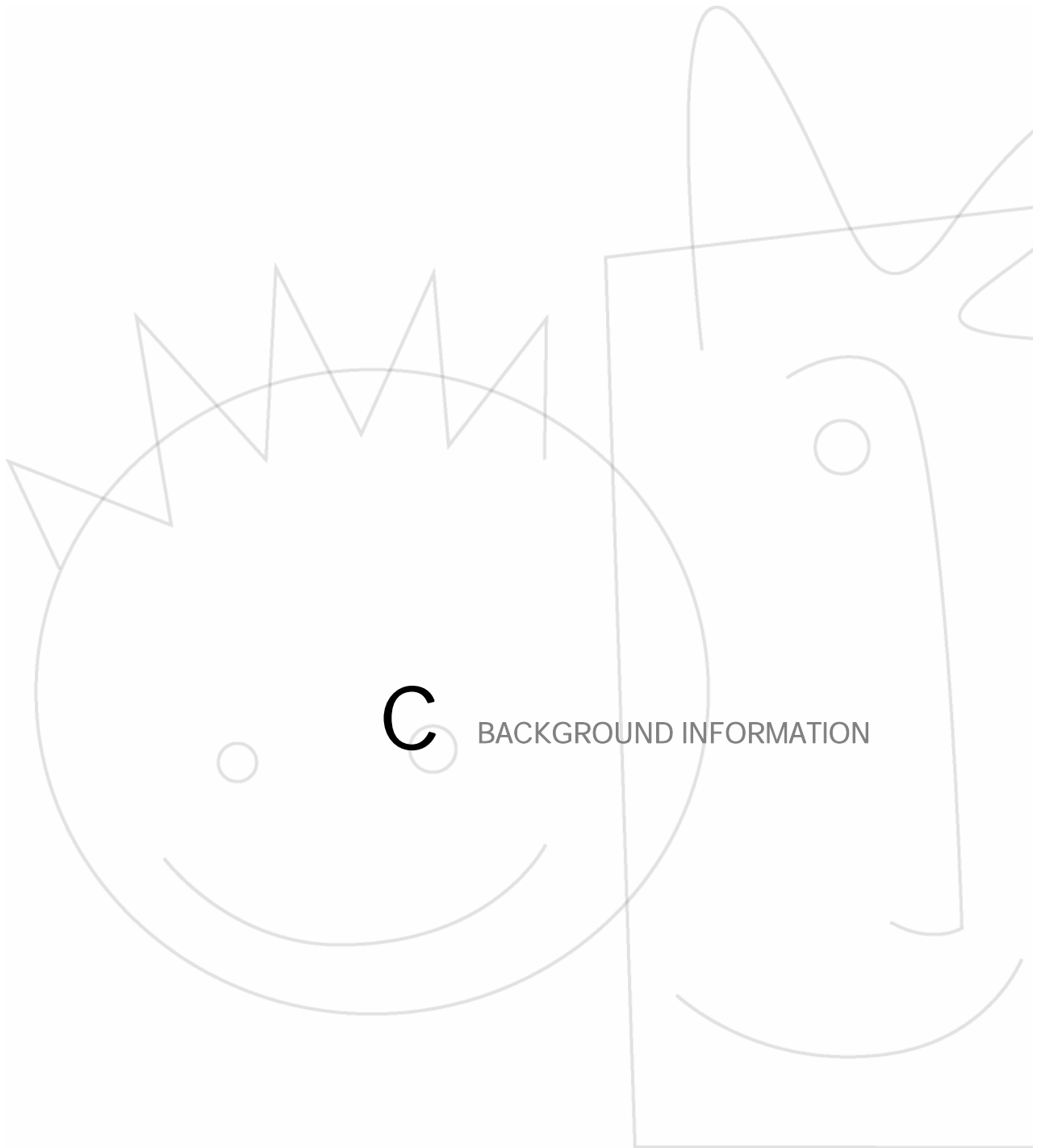
Risk Assessors' forums are held every three months at the offices of the Commission for Children and Young People or at another ASA's offices.

The Commission for Children and Young People prepares the forum agenda. If an ASA wishes to discuss an issue at an upcoming forum, they should request that it be added to the agenda at least four weeks before the forum date. Items may be added after this date if they are urgent or important.

The Commission for Children and Young People will circulate the agenda to all risk assessors one week before the forum date.

The Commission for Children and Young People will:

- facilitate the meeting;
- take the minutes; and
- distribute minutes via email within two weeks.



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9 Background Information

9.1 What is child-related employment?

All four of the following criteria must be satisfied for the position to be child-related employment.

Child-related employment is employment:

- in the work settings listed below; *and*
- that primarily involves contact with children; *and*
- that involves direct contact with children; *and*
- where that contact is not directly supervised by a person having the capacity to direct the employee in the course of the employment.

All four criteria must be satisfied for the position to be in child-related employment.

Employment	Work settings
<ul style="list-style-type: none"> • in pre-schools, kindergartens and child care centres (including residential child care centres); 	<ul style="list-style-type: none"> - pre-schools, kindergartens and child care centres are those defined under the <i>Children and Young Persons (Care and Protection) Act 1998</i>, as well as those provided in commercial or recreational facilities
<ul style="list-style-type: none"> • as a babysitter or childminder that is arranged by a commercial agency; 	
<ul style="list-style-type: none"> • involving the private tuition of children; 	<ul style="list-style-type: none"> - private tuition means tuition formally arranged for children, where the person is actively teaching
<ul style="list-style-type: none"> • in schools or other educational institutions (not being universities); 	<ul style="list-style-type: none"> - educational institutions aimed at post-secondary students are not child-related employment - employers whose primary purpose is not education are not educational institutions, even when they run an educational program
<ul style="list-style-type: none"> • on school buses; 	<ul style="list-style-type: none"> - school buses cover those accepting travel passes from students travelling to and from school at the start and finish of the school day - excursion bus drivers should be under the direction of the accompanying teachers, therefore they are not in child-related employment
<ul style="list-style-type: none"> • involving regular provision of taxi services for the transport of children with a disability; 	
<ul style="list-style-type: none"> • involving the provision of child protection services; 	
<ul style="list-style-type: none"> • involving fostering or other child care; 	<ul style="list-style-type: none"> - other child care covers child care akin to residential out of home care, boarding or home stay arrangements and respite care
<ul style="list-style-type: none"> • in refuges used by children; 	

<ul style="list-style-type: none"> in detention centres (within the meaning of the <i>Children (Detention Centres) Act 1987</i>); 	
<ul style="list-style-type: none"> involving the provision of counselling or other support services for children; 	<ul style="list-style-type: none"> other support services for children covers youth services, family support services and other welfare services only staff delivering the counselling or other support service are in child-related employment
<ul style="list-style-type: none"> involving the direct provision of child health services; 	<ul style="list-style-type: none"> child health services covers medical and dental services, ambulances and those therapies listed in "extras cover" by the major health insurance funds only the health staff, including allied health staff, directly delivering the service are in child-related employment
<ul style="list-style-type: none"> in wards of public or private hospitals in which children are patients; 	
<ul style="list-style-type: none"> in clubs, associations, movements, societies, institutions or other bodies (including bodies of a cultural, recreational or sporting nature) having a significant child membership or involvement; 	<ul style="list-style-type: none"> museums, councils, galleries and other like institutions are child-related employment if they provide programs specifically for children
<ul style="list-style-type: none"> in entertainment venues where the clientele is primarily children; 	<ul style="list-style-type: none"> public fairs and events intended for children, children's theatres, computer games arcades, vacation care centres, public swimming pools and sports facilities are child-related employment zoos, aquariums, theme parks, fun parks, general theatres, circuses and cinemas are child-related employment if they provide programs specifically for children
<ul style="list-style-type: none"> at overnight camps for children; or 	<ul style="list-style-type: none"> overnight camps covers any activity specifically for children involving overnight accommodation, for example in tents, temporary shelters or group accommodation with organised recreation or programs
<ul style="list-style-type: none"> in any religious organisation 	

9.2 Who is a "prohibited person"?

A prohibited person is a person who is *convicted* of the following (whether in NSW or elsewhere):

- [serious sex offence](#);
- [child-related personal violence offence](#);
- murder of a child;
- indecent offences punishable by imprisonment of 12 months or more;
- kidnapping (unless the offender is or has been the child's parent or carer);
- offences connected with child prostitution;

- possession, distribution or publication of child pornography; or
- attempt, conspiracy or incitement to commit the above offences.

A prohibited person includes a [Registrable person](#) under the *Child Protection (Offenders Registration) Act 2000*.

A person is convicted if a charge against them is proven in court and recorded as such. It includes a finding that the charge for an offence is proven, or that a person is guilty of an offence, even though the court does not proceed to a conviction.

A person employed in [child-related employment](#) immediately before 2 January 2007 and who was convicted of a child-related personal violence offence before this date is not considered a prohibited person whilst remaining in that employment.

It is an offence for a prohibited person, including those who are self-employed, to:

- apply for, or otherwise attempt to obtain work in, child-related employment; or
- undertake child-related employment; or
- remain in child-related employment.

The only situation in which a prohibited person can work in child-related employment is where all the children with whom the person will have contact are related to:

- the person; or
- the employer, and the person is related to the employer.

Some prohibited persons can apply for a review of their prohibited status. However, a prohibited person who has been convicted of any of the following offences *cannot* apply for a review of their status:

- murder of a child;
- an offence under section 66A, 66B, 66C, 66D or 73 of the *Crimes Act 1900* or a similar offence under that Act or any other law involving sexual intercourse with a child (including a law other than a law of New South Wales);
- an offence under section 91H (2) of the *Crimes Act 1900*, involving the production of child pornography, or a similar offence under a law other than a law of New South Wales; or
- an offence of attempting, or of conspiracy or incitement, to commit the above offences.

A review can result in an order declaring that prohibition under the *Commission for Children and Young People Act 1998* does not apply to the person. See the Commission for Children and Young People's website for more information on [Applying for a review of prohibited person status](#).

9.3 What records are checked in the Working With Children background check?

There are three types of records considered in the Working With Children background check:

- relevant criminal records;
- relevant Apprehended Violence Orders (AVOs); and
- relevant employment proceedings.

9.3.1 What is a relevant criminal record?

A relevant criminal record is a criminal record of a person with respect to a charge or conviction for:

- any [sexual offence](#) (including but not limited to, sexual assault, acts of indecency, child pornography, child prostitution and carnal knowledge);
- any sexual assault, [physical assault](#), [ill-treatment](#) or [neglect](#) of, or [psychological harm](#) to a child;
- any [registrable offence](#);

- offences of attempting, or of conspiracy or incitement, to commit any of the above offences;
- and if any offence above was:
 - committed in New South Wales and was punishable by penal servitude or imprisonment for 12 months or more; or
 - committed elsewhere and would have been an offence punishable by penal servitude or imprisonment for 12 months or more if it had been committed in New South Wales.

A relevant criminal record includes all matters irrespective of whether they are otherwise considered [spent](#) and all relevant offences committed as a juvenile.

Relevant criminal records include charges which:

- may have not been heard or finalised by a court; or
- are proven but have not led to a conviction; or
- have been dismissed, withdrawn or discharged by a court.

A relevant criminal record does not include an offence:

- that was a serious sex offence when committed if the conduct constituting the offence has ceased to be an offence in NSW; or
- involving sexual activity or an act of indecency if the conduct occurred in a public place and it *would not* have been an offence in NSW if it did not occur in a public place.

9.3.2 What is a relevant Apprehended Violence Order?

Under section 33(1) of the *Commission for Children and Young People Act 1998* a relevant Apprehended Violence Order is one that was made on the application of a police officer or other public official for the protection of a child, or a child and others.

The order must be made by a court under Part 15A of the *Crimes Act 1900*. It includes interstate restraint orders.

It does not include:

- any orders made before 3 July 1995;
- external protection orders (within the meaning of section 562RA of the *Crimes Act 1900*) that are not registered under Division 3 of Part 15A of that Act.

Apprehended Violence Orders (made after 3 July 1995) that have expired are relevant records.

9.3.3 What is a relevant employment proceeding?

Employers must notify the Commission for Children and Young People if they have completed a disciplinary proceeding against an employee in which they have found that the employee committed, or may have committed:

- any [sexual offence](#), or [sexual misconduct](#), committed against, with or in the presence of a child;
- any child pornography offence or misconduct involving child pornography;
- any [child-related personal violence offence](#);
- an offence of filming for indecent purposes committed against, with, or in the presence of, a child under section 21G or 21H of the *Summary Offences Act 1988*;
- any [assault](#), [ill-treatment](#) or [neglect](#) of a child; or
- any behaviour that causes [psychological harm](#) to a child

These acts are an offence and constitute [reportable conduct](#) whether or not the child gave consent.

An employer must also notify the Commission for Children and Young People if they have completed a disciplinary proceeding in which they have found that the employee committed, or may have committed an [act of violence](#) in the course of employment and in the presence of a child.

When the employer notifies the Commission for Children and Young People about a relevant employment proceeding, they must select whether the report will be a Category One or Category Two relevant employment proceeding.

This two tier reporting system recognises the complexities of employee behaviour in a child protection context.

The employer must report all relevant employment proceedings as Category One if the investigation found:

- reportable conduct; or
- an act of violence took place; or
- some evidence that reportable conduct or an act of violence occurred, however the finding is inconclusive and the employer believes that the conduct should be considered in an [Estimate of Risk](#) when the person next seeks [primary child-related employment](#).

The employer should report as Category Two all relevant employment proceedings where the investigation found some evidence that reportable conduct or an act of violence occurred, however the finding is inconclusive.

The employer must keep records of information obtained during the employment proceeding including:

- the information they provided to the Commission for Children and Young People;
- the reasons for notifying the proceeding as Category One or Two; and
- the [Relevant Employment Proceedings Summary](#) (Attachment Nine in the *Working With Children Employer Guidelines*).

Employers **should not notify** the Commission for Children and Young People if the completed employment proceedings found that:

- the allegation was false, vexatious or misconceived;
- the conduct was reasonable for discipline, management or care of children having regard to the situation;
- the conduct is not required to be notified under a class or kind agreement between the employer and the Commission for Children and Young People; or
- the use of physical force was trivial or negligible where the organisation is a designated government or non-government agency as defined in Part 3A of the *Ombudsman Act 1974* and there is a documented investigation of the allegation.

9.4 The Commission for Children and Young People's Website

The Commission for Children and Young People's website at www.kids.gov.au is a valuable source of information for everyone involved in, or affected by, the Working With Children program.

Information on the website includes:

- Child-safe, Child-friendly resources;
- links to relevant legislation;
- documents that employers need for the Working With Children Check; and
- these Guidelines.

9.5 Relevant legislation

9.5.1 *Commission for Children and Young People Act 1998*

The *Commission for Children and Young People Act 1998* establishes the Commission for Children and Young People as an independent organisation with the aim of making NSW a better place for children and young people.

In relation to the Working With Children program, the Commission for Children and Young People's functions include:

- encouraging organisations to develop their capacity to be safe and friendly for children;
- facilitating Working With Children background checking for *primary child-related employment*; and
- reviewing the status of prohibited persons.

9.5.2 *Ombudsman Act 1974*

Under Part 3A of this Act, the NSW Ombudsman is to keep under scrutiny the systems for:

- preventing reportable conduct by employees of designated NSW Government agencies, non-government agencies and other public authorities; and
- handling and responding to reportable allegations or convictions involving those employees.

9.5.3 *Child Protection (Offenders Registration) Act 2000*

Under the *Child Protection (Offenders Registration) Act 2000*, a person who has been found guilty of a registrable offence against children, as defined by that Act, is known as a "Registrable person". A number of strict reporting obligations and limits are placed on such persons.

A Registrable person automatically becomes a prohibited person under the *Commission for Children and Young People Act 1998*.

9.5.4 *Freedom of Information Act 1989*

This Act gives people the legal right to:

- obtain access to information held as records by NSW Government agencies, Government Ministers, local government and other public bodies;
- request amendments to personal records that are inaccurate; and
- appeal against a decision not to grant access to information or to amend personal records.

The *Commission for Children and Young People Act 1998* expands the coverage of the *Freedom of Information Act 1989* to any employer who has information on relevant employment proceedings.

If the applicant sends you a request under the *Freedom of Information Act 1989*, you must provide them with:

- information about them that is held by your ASA and
- if requested, a copy of the [Estimate of Risk](#) model.

If you are not sure whether the applicant is entitled to receive certain information, contact the Commission for Children and Young People for verification.

If someone other than the applicant is making a request under the *Freedom of Information Act 1989* for information about the applicant, you must refer their request to the Commission for Children and Young People.

9.6 What responsibilities do employers have?

All employers who employ staff in child-related employment have the following responsibilities under the Working With Children Check:

- identify all the child-related employment positions in their organisation;
- ask all applicants for child-related employment to sign a [Prohibited Employment Declaration](#) (Attachment Four in the *Working With Children Employer Guidelines*);
- register with an Approved Screening Agency for the Working With Children background check;
- obtain a Working With Children background check for preferred applicants for positions in [primary child-related employment](#);
- make employment decisions based on [Estimate of Risk](#) information provided by their ASA and other information they have obtained;
- report any [relevant employment proceedings](#) to the Commission;
- keep records and maintain confidentiality.

In addition employers should adopt methods to make their work place child-safe and child-friendly.

See the *Working With Children Employer Guidelines* for more information about employers' responsibilities.

10 Glossary

Act of violence: For an act of violence to be reportable, it must be an act or series of related acts that:

- involve violent conduct;
- are committed in the course of employment;
- are committed in the presence of a child; and
- result in injury, either physical or emotional, to the child.

An act of violence is not necessarily committed on, or directed at, a child. It also includes violent conduct towards property as well as violent conduct towards persons. For example, where an employee acts with violence towards another adult in the workplace in the presence of a child, this can result in a relevant employment proceeding. However, small and insignificant actions such as throwing a book on the ground or slamming doors do not constitute acts of violence and should not be reported.

A reportable act of violence does not include acts which are trivial or negligible. Some behaviour, such as a one-off incident of an employee hitting a desk in front of a child in anger, may be undesirable in the workplace. However, it does not constitute an act of violence.

In all instances the act of violence must result in injury, either physical or psychological, to the child.

Approved Screening Agency (ASA): An employer or employer-related body approved by the Minister to carry out all or any of the relevant Working With Children background checking procedures for itself or on behalf of another employer.

Background checking (Working With Children): any or all of the following procedures with respect to a person who is employed in or applied for child-related employment:

- a check for any relevant criminal record of the person, for any relevant Apprehended Violence Orders made against the person, for any child protection prohibition orders made against the person or for any relevant employment proceedings completed against the person;
- any other relevant probity check relating to the previous employment or other activities of the person;
- an estimate of the risk to children involved in that primary child-related employment arising from anything disclosed by such a check, having regard to all the circumstances of the case, including any risk arising from the particular workplace;
- providing the results of any such check or Estimate of Risk to the person who will make the decision whether the applicant is to be employed or continue to be employed in that primary child-related employment (or to a person who advises or makes recommendations on the matter).

Child: A person who is under 18 years of age.

Child-related employment: See [Section 9.1](#) of these Guidelines.

Child-related personal violence offence: An offence committed by an adult involving intentionally wounding or causing grievous bodily harm to a child or an offence of attempting, or of conspiracy or incitement, to commit such an offence.

In NSW, a child-related personal violence offence is specifically the offence of:

- maliciously wounding or inflicting grievous bodily harm to a child; or
- maliciously shooting at, or discharging any kind of loaded arms at a child

with the intent to do grievous bodily harm to a child, or resist, or prevent arrest.

It does not include an offence committed by an adult who is less than three years older than the child concerned.

In NSW, this means an offence committed under Section 33 of the *Crimes Act 1900*.

Conviction: includes a finding that the charge for an offence is proven, or that a person is guilty of an offence, even though the court does not proceed to a conviction.

Employee: Any person who is engaged in employment.

Employer: A person who:

- engages a person under a contract to perform work; or
- in the course of business, arranges for the placement of a person in employment with others.

Employer-related body: Any body which supervises, represents or has other functions with respect to an employer for the purposes of Working With Children background checking.

Employment: Any of the following is employment:

- performance of work under a contract of employment;
- performance or work as a self-employed person;
- performance of work as a subcontractor;
- performance of work as a volunteer for an organisation;
- undertaking practical training as part of an educational or vocational course
- performance of work as a minister, priest, rabbi, mufti or other like religious leader or spiritual officer of a religion or other member of a religious organisation; or
- performance of the duties of an authorised carer within the meaning of section 33(1) of the *Children and Young Persons (Care and Protection) Act 1998*.

Estimate of risk: The process of analysing information gathered through Working With Children background checking to estimate the level of risk a person in primary child-related employment may pose to children in the workplace. Employers are provided with the outcome of an estimate of risk.

Ill-treatment: Ill-treatment of a child occurs where a child is corrected or disciplined in excess of what is reasonable or appropriate for the situation.

Discipline may be considered excessive if it is a disproportionate response to a child's behaviour. Discipline can be considered inappropriate if it is unsuitable for the child for a specific reason such as the child's age, physical ability, developmental level or if the discipline violates community standards. You should consider whether the treatment may affect the long-term well-being of the child.

For example, locking a child in a cupboard as punishment for talking, or tying a child to a chair because they wandered, are excessive and inappropriate forms of discipline that would be regarded as ill-treatment.

Neglect: Neglect occurs when a child is harmed by the failure to provide basic physical and emotional necessities of life. For example, failure to provide or arrange for adequate and proper food, supervision, nursing, clothing, medical attention or lodging for a child. Generally neglect offences are linked to a person with care responsibilities for a child, such as a foster carer.

Neglect can be ongoing or a single significant incident. However, neglect typically develops as a pattern of behaviour that results in harm to a child over a period of time. For example, accidentally leaving a child locked in a room alone for a short period, and after all standard workplace procedures have been followed, is not considered to be neglect, though it may be inappropriate professional conduct.

When considering whether a child is being, or has been, neglected, it may be useful to focus on the effect on the child. Incidents that do not suggest any impact on the long-term physical, emotional or intellectual well-being of the child are unlikely to constitute neglect.

Paid: A reference to 'paid' includes any person who receives a salary or remuneration such as cash or fee for the performance of work, but does not include reimbursement of 'out-of-pocket' expenses, receipt of 'in kind' or similar benefits.

Physical assault: Physical assault must include all three of the following elements:

- It is an act committed on or towards a child; and

- It involves either the application of force to a child or an act that causes a child to think that immediate force will be used on them; and
- It is either hostile or reckless (a reckless act is one where the person would reasonably foresee the likelihood of inflicting injury or fear and ignores the risk).

Actual physical harm does not have to occur in order for an assault to have taken place, i.e. the child does not have to be injured.

Physical contact which is an inevitable part of everyday life does not amount to an assault.

Primary child-related employment:

- paid child-related employment; or
- child-related employment of a minister, priest, rabbi, mufti or other like religious leader or spiritual official of a religion; or
- child-related employment involving the fostering of children.

Prohibited person: A person convicted of a serious sex offence, the murder of a child, a child-related personal violence offence, or a Registerable Person, other than where there is an order in force declaring that Division 2, Part 7 of the *Commission for Children and Young People Act 1998* does not apply to the person in respect of the offence.

(Behaviour that causes) psychological harm: Inappropriate behaviour that results in significant emotional harm or trauma to a child. There needs to be a causal link between the inappropriate behaviour and the harm.

Registrable offence: Any of the following offences against a child:

- murder;
- sexual offences;
- indecency offences punishable by imprisonment of 12 months or more;
- kidnapping (unless the offender is or has been the child's parent or carer);
- offences connected with child prostitution; or
- possession or publication of child pornography.

Registrable person: A person who has been found guilty of a registrable offence against children under the *Child Protection (Offenders Registration) Act 2000*.

Relevant record: Relevant records include relevant criminal records, relevant Apprehended Violence Orders and relevant employment proceedings.

Reportable conduct: Reportable conduct is any of the following, whether or not, in any case, the child has given consent:

- any sexual offence, or sexual misconduct, committed against, with or in the presence of a child;
- any child pornography offence or misconduct involving child pornography;
- any child-related personal violence offence;
- an offence of filming for indecent purposes covered under section 21G or 21H of the *Summary Offences Act 1988*, committed against, with or in the presence of a child;
- any assault, ill-treatment or neglect of a child; or
- any behaviour that causes psychological harm to a child.

Reportable conduct does not include:

- conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards; or
- the use of physical force that, in all the circumstances, is trivial or negligible, but only if the employer is an agency to which Part 3A of the *Ombudsman Act 1974* applies and the matter is to be investigated and the result of the investigation recorded under workplace employment procedures; or
- conduct of a class or kind that is exempted from being reportable conduct by the guidelines under section 35 of the *Commission for Children and Young People Act 1998*.

Serious sex offence:

- an offence, involving sexual activity or acts of indecency, committed in New South Wales and that was punishable by penal servitude or imprisonment for 12 months or more;
- an offence, involving sexual activity or acts of indecency, committed elsewhere and that would have been an offence punishable by penal servitude or imprisonment for 12 months or more, if it had been committed in New South Wales;
- an offence under section 80D or 80E (sexual servitude) of the *Crimes Act 1900*, committed against a child;
- an offence under Sections 91D-91G (child prostitution, other than if committed by a child prostitute) of the *Crimes Act 1900* or a similar offence under a law other than a law of New South Wales;
- an offence under Section 91H, 578B or 578C (2A) (child pornography) of the *Crimes Act 1900* or a similar offence under a law other than a law of New South Wales;
- an offence of attempting, or of conspiracy or incitement, to commit an offence referred to in the preceding paragraphs; or
- any other offence, whether under the law of New South Wales or elsewhere, prescribed by the regulations.

Serious sex offences do not include:

- offences that are no longer offences in New South Wales; or
- offences involving sexual activity or an act of indecency if the conduct occurred in a public place and would not have been an offence in NSW if the conduct did not occur in a public place.

Short-term employee: A person employed for a period of less than six months.

Spent conviction: Those offences included on a person's criminal record which, because of the passage of time and legislative preconditions have been met, are no longer to be considered in any administrative decision making.

Under section 15(1A) of the *Criminal Records Act 1991* (NSW) sexual offences and child-related personal violence offences can never be "spent" for the purposes of an application for child-related employment.

Sexual misconduct: Sexual misconduct describes a range of behaviours or a pattern of behaviour aimed at the involvement of children in sexual acts. Some of these behaviours may include:

- any sexual relationship with a child;
- inappropriate conversations of a sexual nature;
- comments that express a desire to act in a sexual manner with individual children or young people;
- unwarranted and inappropriate touching of a child, or in the presence of a child;
- sexual exhibitionism in the presence of a child;
- personal correspondence (including electronic communication) with a child or young person in respect of the adult's sexual feelings for a child or young person;

- deliberate exposure of children and young people to sexual behaviour of others including display of pornography;
- possession of child pornography; and
- patterns of behaviour aimed at engaging or 'grooming' a child as a precursor to sexual abuse.

Sexual misconduct includes '*grooming behaviour*', or patterns of behaviour aimed at engaging or 'grooming' a child as a precursor to sexual abuse. However, such abuse need not have happened for grooming to have occurred. The grooming process can include:

- persuading a child that a 'special' relationship exists – spending inappropriate special time with the child, inappropriately giving gifts, showing special favours to them but not other children, allowing the child to overstep rules, etc.;
- testing of boundaries – undressing in front of the child, allowing the child to sit on the lap, talking about sex, 'accidental' touching of genitals, etc.;
- establishing relationships outside the employment relationship – grooming should not be assumed where such relationships are the result of a relationship established before employment; and/or
- inappropriate personal correspondence, including electronic communication, with a child.

These behaviours may not indicate risk if they occur in isolation, but if there is a *pattern* of behaviour occurring, it may indicate grooming.

Sexual offences: Sexual offences include sexual assault, the involvement of children in sexual acts or acts of indecency and any sexual threat imposed on a child. Sexual assault refers to sexual intercourse by a person with a child.

Unpaid: Work for which payment, including fee or similar remuneration, is not made, for example a volunteer.

Working With Children Check: The Working With Children Check consists of two parts, the Working With Children background check and exclusion of prohibited persons.

Working With Children program: The Working With Children program consists of three key strategies:

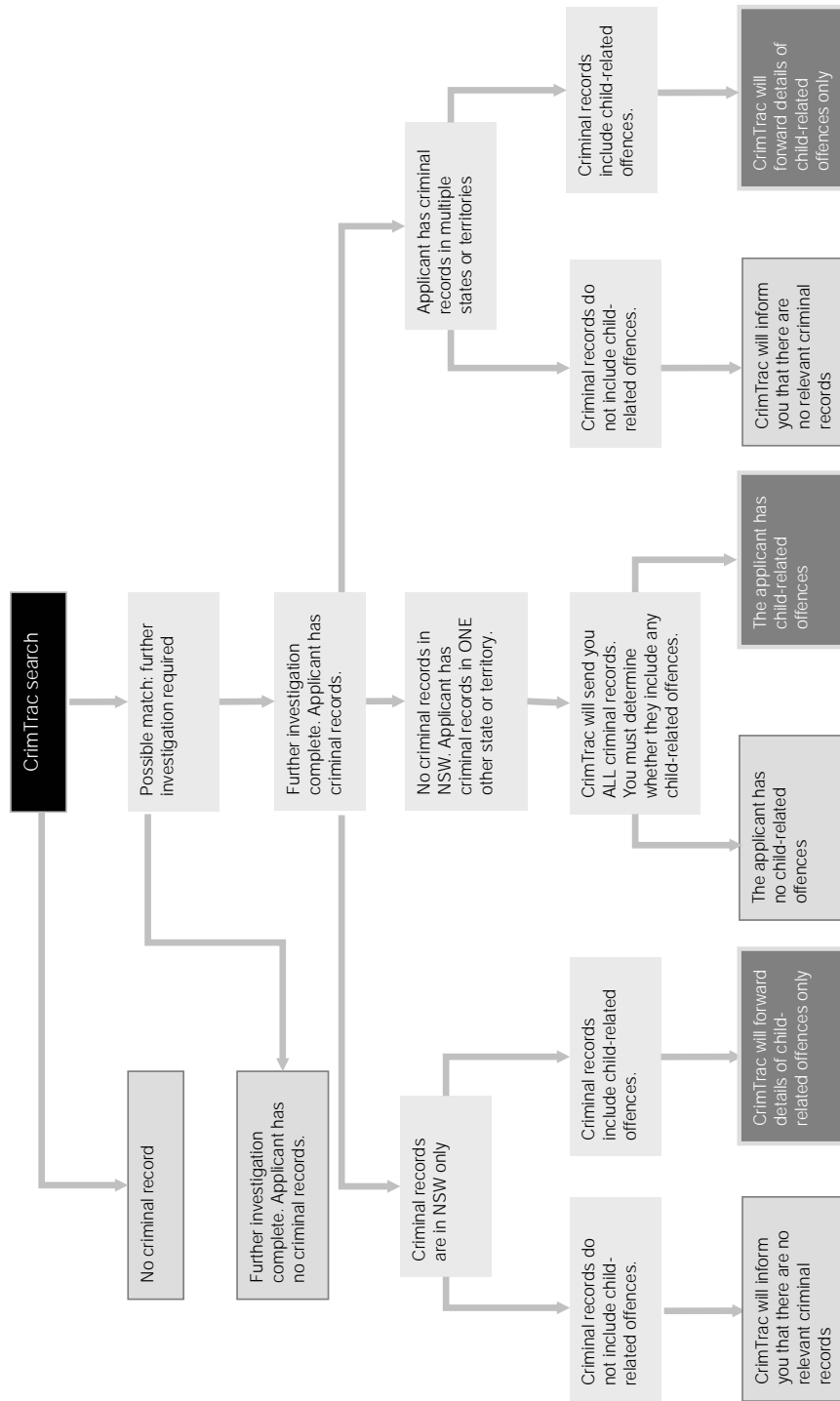
- exclusion of prohibited persons;
- background check; and
- developing child-safe and child-friendly organisations.



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Appendix 1 Possible Outcomes of a CrimTrac Search



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Appendix 2 Relevant Criminal Records for the Working With Children Check

The table below contains a list of offences which are relevant criminal records for the Working With Children Check. This list is current as at 2 January 2007.

This list is not exhaustive. Other criminal records may also be relevant and you should contact the Commission for Children and Young People for clarification.

Any offence which implies an assault, ill-treatment or neglect of a child or displays any behaviour that causes psychological harm to a child may also be a relevant criminal record.

Records of similar offences that occur outside NSW may also be relevant criminal records.

The list of offences in the table below may change over time.


N.B. The left-hand column cites the legislation in the form of section and act. CA is *Crimes Act 1900 NSW*. SOA is *Summary Offences Act 1988 NSW*. For example, 18 (CA) means Section 18 of the *Crimes Act*, and so on.

Legislation	Offence
Offences committed against children	
18 (CA)	Murder and attempts (victim under 18)
21 (CA)	Child murder by mother – verdict of contributing to death, etc.
22A (CA)	Infanticide (victim under 18)
24 (CA)	Manslaughter (victim under 18)
26 (CA)	Conspiring to commit murder (victim under 18)
27 (CA)	Acts done to the person with intent to murder (victim under 18)
28 (CA)	Acts done to property with intent to murder (victim under 18)
29 (CA)	Certain other attempts to commit murder (victim under 18)
30 (CA)	Attempts to murder by any other means (victim under 18)
31 (CA)	Documents containing threats (victim under 18)
33 (CA)	Wounding etc with intent to do bodily harm or resist arrest (victim under 18)
33A (CA)	Discharging loaded fire arms with intent (victim under 18)
34 (CA)	Feloniously wounding – verdict of minor offence (victim under 18)
35 (CA)	Malicious wounding / infliction of grievous bodily harm (victim under 18)
35A (CA)	Maliciously cause dog to inflict grievous bodily harm or actual bodily harm (victim under 18)
36 (CA)	Causing a grievous bodily disease (victim under 18)
37 (CA)	Attempts to choke etc (garrotting) (victim under 18)
38 (CA)	Using chloroform etc to commit an offence (victim under 18)
39 (CA)	Using poison etc as to endanger life (victim under 18)
41 (CA)	Administering poison with intent to injure or annoy (victim under 18)
42 (CA)	Injury to child at time of birth
43 (CA)	Abandoning or exposing a child under 7 years

44 (CA)	Not providing wife, child or servant with food, etc.
45 (CA)	Prohibition of female genital mutilation (victim under 18)
46 (CA)	Causing bodily injury by gunpowder (victim under 18)
47 (CA)	Using, etc explosive substance or corrosive fluid, etc (victim under 18)
51A (CA)	Predatory driving (victim under 18)
54 (CA)	Causing grievous bodily harm (victim under 18)
59 (CA)	Assault occasioning actual bodily harm (victim under 18)
61 (CA)	Common assault (victim under 18)
66A (CA)	Sexual intercourse – child under 10
66B (CA)	Attempting or assaulting with intent, to have sexual intercourse with child under 10
66C (CA)	Sexual intercourse – child between 10 & 16
66D (CA)	Attempting, or assaulting with intent, to have sexual intercourse with a child between 10 & 16
67 (CA)	Carnal knowledge girl under 10 (repealed)
68 (CA)	Attempt carnal knowledge girl under 10 (repealed)
71 (CA)	Carnal knowledge of girl between 10 & 16 (repealed)
72 (CA)	Attempt carnal knowledge of girl between 10 & 16 (repealed)
73 (CA)	Sexual intercourse with child between 16 and 18 under special care (old name – carnal knowledge by teacher etc)
74 (CA)	Attempts (carnal knowledge by teacher, etc) (repealed)
76 (CA)	Assault and commit act of indecency on female (victim under 18) (repealed)
76A (CA)	Commit act of indecency on female under 16 (repealed)
78H (CA)	Homosexual intercourse with male under 10 (repealed)
78I (CA)	Attempt, or assault with intent, to have homosexual intercourse with male between 10 & 18 (repealed)
78K (CA)	Homosexual intercourse with male between 10 & 18 (repealed)
78L (CA)	Attempt, or assault with intent, to have homosexual intercourse with male between 10 & 18 (repealed)
78N (CA)	Homosexual intercourse by teacher etc (repealed)
78O (CA)	Attempt, or assault with intent, to have homosexual intercourse with pupil etc (repealed)
81 (CA)	Indecent assault upon male of any age (victim under 18) (repealed)
86 (CA)	Kidnapping (victim under 18)
87 (CA)	Child abduction
89 (CA)	Forcible abduction of a woman (repealed) (victim under 18)
90 (CA)	Abduction of girl under 16 (repealed)
90A (CA)	Kidnapping (repealed) (victim under 18)
91 (CA)	Taking child with intent to steal
91A (CA)	Procuring etc (procuring for prostitution etc) (victim under 18)

91D (CA)	Promoting or engaging in acts of child prostitution
91E (CA)	Obtaining benefit from child prostitution
91F (CA)	Premises not to be used for child pornographic purposes
91G (CA)	Children not to be used for child pornographic purposes
91H (CA)	Production, dissemination or possession of child pornography
66EA (CA)	Persistent sexual abuse of a child
91B (CA)	Procuring person by drugs etc (victim under 18)
562AB (CA)	Stalking, intimidation with intent to cause fear for personal safety (victim under 18)
578B (CA)	Possession of child pornography
578C (2A) (CA)	A person who publishes an indecent article that is child pornography is guilty of an offence
5 (SOA) ¹	Obscene exposure (victim under 18)
11G (SOA)	Loitering by convicted child sexual offenders near premises frequented by children
21G (SOA)	Filming for indecent purposes (victim under 18)
21H (SOA)	Installing device to facilitate filming for indecent purposes (victim under 18)
Offences committed against children or adults	
61B (CA)	Sexual assault category 1 – inflicting grievous bodily harm with intent to have sexual intercourse (repealed)
61C (CA)	Sexual assault category 2 - inflicting actual bodily harm etc with intent to have sexual intercourse (repealed)
61D (CA)	Sexual assault category 3 – sexual assault without consent (repealed)
61E (CA)	Sexual assault category 4 – indecent assault and act of Indecency (repealed)
61F (CA)	Attempt to commit offence under secs. 61B, 61C, 61D or 61E (repealed)
61I (CA)	Sexual assault
61J (CA)	Aggravated sexual assault
61JA (CA)	Aggravated sexual assault in company
61K (CA)	Assault with intent to have sexual intercourse
61L (CA)	Indecent assault
61M (CA)	Aggravated indecent assault
61N (CA)	Act of indecency
61O (CA)	Aggravated act of indecency
61P (CA)	Attempt to commit offence under ss 61I – 66O
63 (CA)	Rape (repealed)
65 (CA)	Attempt rape (repealed)
65A (CA)	Sexual intercourse procured by intimidation, coercion and other non-violent threats

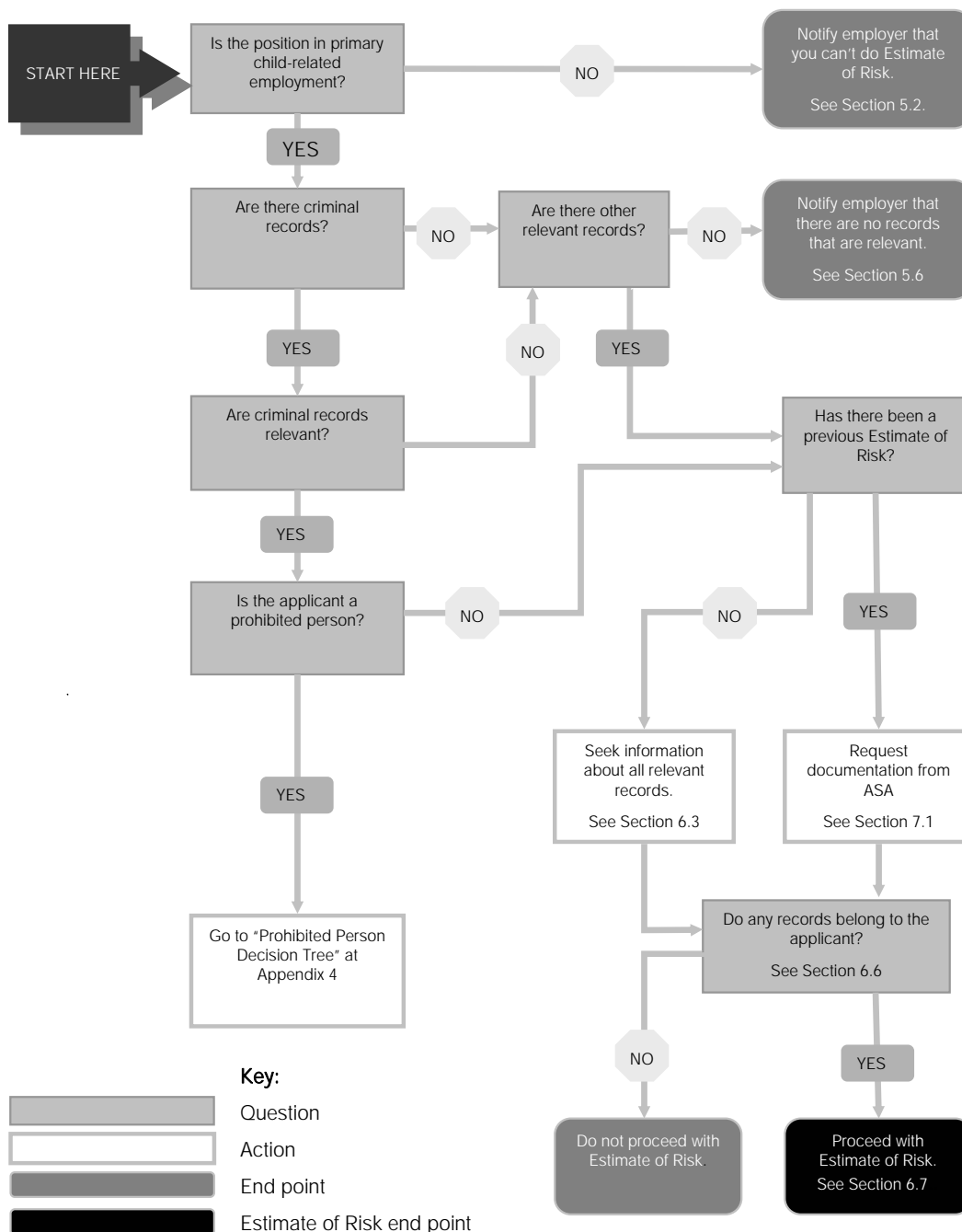
¹ Section 5 of the *Summary Offences Act* is not deemed a sexual offence for the purposes of the *NSW Commission for Children and Young People Act 1998* as the offence is not punishable by penal servitude or imprisonment for 12 months or more. However, it is deemed "reportable conduct" if committed against, with or in the presence of a child.



66 (CA)	Procuring etc. carnal knowledge by fraud
66F (CA)	Sexual intercourse – intellectual disability
78B (CA)	Incest attempts
78Q (CA)	Acts of gross indecency
80A (CA)	Sexual assault by forced self-manipulation
80D (CA)	Causing sexual servitude
80E (CA)	Conduct of business involving sexual servitude

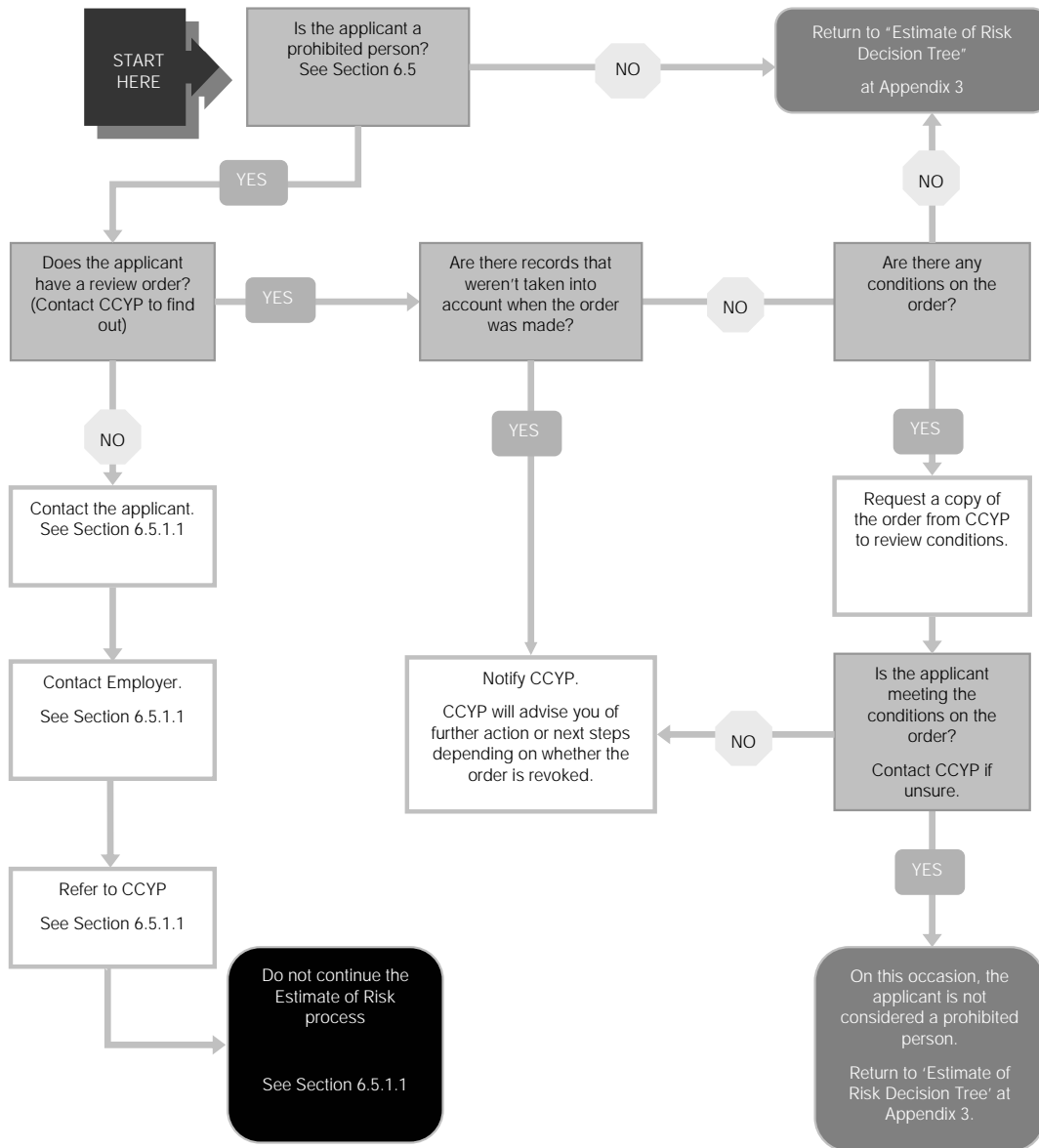
Appendix 3 Estimate of Risk Decision Tree

This decision tree outlines the steps you must follow to determine whether an *Estimate of Risk* is required.



Appendix 4 Prohibited Person Decision Tree

The following decision tree outlines the steps you must follow if you identify an applicant as a [prohibited person](#).



Key:

- Question
- Action
- End point
- Estimate of Risk end point



ATTACHMENT 1

6.1 EMPLOYER REGISTRATION FORM



I certify that I am an employer who engages people, on a paid and/or voluntary basis, in child-related employment as defined in the *Commission for Children and Young People Act 1998*.

I am aware of my obligations as an employer under the *Commission for Children and Young People Act 1998*.

I acknowledge that the registration details I provide may be collected by, used by and/or disclosed to the Commission for Children and Young People or any Approved Screening Agency for the purposes of the Working With Children Check.

I consent to the registration details I provide being used by the Commission for Children and Young People and/or any Approved Screening Agency to send me updates with regard to the Working with Children Check.

All fields must be completed to be registered.

Name: _____

Signature: _____

Position: _____ Date: _____

Working With Children background checks are conducted by the Approved Screening Agencies listed below. Please select the Approved Screening Agency which best represents the industry in which you operate. You should contact the Commission for Children and Young People if you cannot identify the appropriate Approved Screening Agency.

- Commission for Children and Young People Fax 9286 7201
- NSW Department of Education and Training Fax 9836 9222
- NSW Department of Health Fax 9391 9795
- NSW Department of Arts, Sport and Recreation Fax 9006 3900
- Catholic Commission for Employment Relations Fax 9267 9303

EMPLOYER REGISTRATION DETAILS

Australian business number (ABN): _____

Employer name: _____

Postal address: _____

Town/suburb: _____ State: _____ Postcode: _____

RELEVANT CONTACT PERSON

Title (Mr/Mrs/Ms/Miss/Dr etc): _____

Given name(s): _____ Family name: _____

Position: _____

Telephone number: _____ Fax number: _____

Email address: _____

Additional authorised persons:

NAME (title, given name(s), surname)	POSITION	SIGNATURE

The information provided may be used for monitoring and auditing compliance with the procedures and standards for the Working With Children Check in accordance with Section 36(1)(f) of the *Commission for Children and Young People Act 1998*.

NOTE: This form is to be forwarded to the Approved Screening Agency you have identified above.

ATTACHMENT 2

**6.2 AMENDMENT TO
EMPLOYER REGISTRATION DETAILS**

Please use block letters.

Employer name: _____

Employer ID number: _____

Australian Business Number (ABN): _____

I request that the following changes be made to my employer registration details.

Please tick the relevant box to indicate the changes required and print in block letters the details to be changed.

NEW DETAILS

Employer name: _____

Address: _____

Telephone number: _____

Fax number: _____

Contact Email: _____

Change of ownership. *Please provide a copy of the first page of the contract transferring ownership:*

Closure of business (date): _____

Delete authorised person/s (list name/s): _____

Add authorised person/s below

NAME	POSITION	SIGNATURE

Name: _____

Signature: _____

Position: _____ Date: _____

This information may be used for monitoring and auditing compliance with the procedures and standards for the Working With Children Check in accordance with Section 36(1)(f) of the *Commission for Children and Young People Act 1998*.

NOTE: This form is to be sent to the relevant Approved Screening Agency. No cover sheet is required.

APPROVED SCREENING AGENCY CONTACTS

Commission for Children and Young People	Fax 9286 7201
NSW Department of Education and Training	Fax 9836 9222
NSW Department of Health	Fax 9391 9795
NSW Department of Arts, Sport and Recreation	Fax 9006 3900
Catholic Commission for Employment Relations	Fax 9267 9303

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ATTACHMENT 3

6.3 IS THE POSITION CHILD-RELATED EMPLOYMENT?

Title of the position: _____

Date: _____

PART 1: IS THIS POSITION CHILD-RELATED EMPLOYMENT?**1. Does the position involve any of the following? (tick all that apply):**

- work under a contract of employment
- work as a self-employed person or as a subcontractor
- work as a volunteer for an organisation
- undertaking practical training as part of an educational or vocational course
- work as a minister, priest, rabbi, mufti or other like religious leader or spiritual officer of a religion or other member of a religious organisation
- duties of an authorised carer

*If no box is checked this position is not child-related employment and you do not need to proceed further.
If you have checked any box proceed to question 2.*

2. Does the position fit within any of the following work settings? (tick all that apply):

- involving the provision of child protection services
- in pre-schools, kindergartens and child care centres (including residential child care centres)
- in schools or other educational institutions (not being universities)
- in detention centres (within the meaning of the *Children (Detention Centres) Act 1987*)
- in refuges used by children
- in wards of public or private hospitals in which children are patients
- in clubs, associations, movements, societies, institutions or other bodies (including bodies of a cultural, recreational or sporting nature) having a significant child membership or involvement
- in any religious organisation
- in entertainment venues where the clientele is primarily children
- as a babysitter or childminder that is arranged by a commercial agency
- involving fostering or other child care
- involving regular provision of taxi services for the transport of children with a disability
- involving the private tuition of children
- involving the direct provision of child health services
- involving the provision of counselling or other support services for children
- on school buses
- at overnight camps for children

*If no box is checked this position is not child-related employment and you do not need to proceed further.
If you have checked any box proceed to question 3.*

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ATTACHMENT 3 (CONTINUED)

3. Does the position primarily involve contact with children?

Examples: The position of a school bus driver primarily involves contact with children as it is an essential requirement of the position that the driver transports children between their homes and school. The position of an electrician working in a school does not primarily involve contact with children, as it is not an essential requirement of the position that the electrician has contact with children.



Yes

No

If "No" is checked this position is not child-related and you do not need to proceed further. If you have checked "Yes" proceed to question 4.

4. Does the position involve direct contact with children?

Direct contact means face to face contact. Examples: A school bus driver has direct contact with children. A telephone-based youth counsellor does not have direct contact with children.

Yes

No

If "No" is checked this position is not child-related employment and you do not need to proceed further. If you have checked "Yes" proceed to question 5.

5. How frequently does the person working in this position operate in the view of an adult who has the authority to direct them?

Always

Never, or infrequently or intermittently

If "Always" is checked this position is not child-related employment and you do not need to proceed further.

If you have checked "Never, or infrequently or intermittently" then the position is child-related employment. The preferred applicant must complete a Prohibited Employment Declaration and you need to complete the question in Part 2 below to determine if a request for a background check is also required à

Note that preferred applicants who are related (i.e. all the children with whom the person will have contact are related to the person, or are related to the employer and the person is related to the employer) are exempt from these requirements.

PART 2: DO YOU NEED TO REQUEST A BACKGROUND CHECK**6. Does the position involve any of the following (tick all that apply):**

paid employment

employment as a minister, priest, rabbi, mufti or other like religious leader or spiritual official of a religion

duties involving the fostering of children

If no box is checked this position does not require a background check and you do not need to proceed further. However, because the position is child-related employment you are encouraged to assess the level of risk associated with the position as this may help you evaluate your risk management planning and practice associated with it. A tool to help you do this can be found at www.kids.nsw.gov.au/check.

ATTACHMENT 4

6.4 PROHIBITED EMPLOYMENT DECLARATION

The *Commission for Children and Young People Act 1998* makes it an offence for a prohibited person (a person convicted of a serious sex offence, the murder of a child or a child-related personal violence offence, as well as a Registrable person under the *Child Protection (Offenders Registration) Act 2000*) to apply for or otherwise attempt to obtain, undertake or remain in, child-related employment. It does not apply if an order from the Industrial Relations Commission, Administrative Decisions Tribunal or Commission for Children and Young People, declares that the Act does not apply to a person in respect of a specific offence.



For further information on what is child-related employment see the *Working With Children Employer Guidelines*.

Section 33B of the *Commission for Children and Young People Act 1998* defines a serious sex offence as:

- an offence, involving sexual activity or acts of indecency, committed in New South Wales and that was punishable by penal servitude or imprisonment for 12 months or more; or
- an offence, involving sexual activity or acts of indecency, committed elsewhere and that would have been an offence punishable by penal servitude or imprisonment for 12 months or more, if it had been committed in New South Wales; or
- an offence under section 80D or 80E (sexual servitude) of the *Crimes Act 1900*, committed against a child; or
- an offence under Sections 91D-91G (child prostitution, other than if committed by a child prostitute) of the *Crimes Act 1900* or a similar offence under a law other than a law of New South Wales; or
- an offence under Section 91H, 578B or 578C (2A) (child pornography) of the *Crimes Act 1900* or a similar offence under a law other than a law of New South Wales; or
- an offence of attempting, or of conspiracy or incitement, to commit an offence referred to in the preceding paragraphs; or
- any other offence, whether under the law of New South Wales or elsewhere, prescribed by the regulations.

NOTE: A conviction for carnal knowledge is classified as a serious sex offence under this legislation.

Section 33B of the *Commission for Children and Young People Act 1998* defines a child-related personal violence offence as an offence committed by an adult:

- involving intentionally wounding or causing grievous bodily harm to a child; or
- of attempting, or of conspiracy or incitement, to commit such an offence.

Under *Commission for Children and Young People Act 1998*:

- it is an offence for a prohibited person to apply for or otherwise attempt to obtain, undertake or remain in child related employment;
- employers must ask existing employees, both paid and unpaid, and preferred applicants for child-related employment to declare if they are a prohibited person or not;
- all people in child-related employment must inform their employers if they are a prohibited person or remove themselves from child-related employment; and
- penalties are imposed for non compliance.

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ATTACHMENT 4 (CONTINUED)

I am aware that I am ineligible to apply for or otherwise attempt to obtain, undertake or remain in, child-related employment if I have been convicted of a serious sex offence or child-related personal violence offence as defined in the *Commission for Children and Young People Act 1998*, or if I am a Registrable Person under the *Child Protection (Offenders Registration) Act 2000*.



I have read and understood the above information in relation to the *Commission for Children and Young People Act 1998*. I am aware that it is an offence to make a false statement on this form.

I consent to a check of my relevant criminal records, to verify the statements I have made here, being undertaken by the NSW Commission for Children and Young People for monitoring and auditing purposes in accordance with Section 36 (1)(f) of the *Commission for Children and Young People Act 1998*.

I declare that I am not a person prohibited by the Act from seeking, obtaining, undertaking or remaining in child related employment.

I understand that this information may be referred to the Commission for Children and Young People and/or to NSW Police for law enforcement purposes and for monitoring and auditing compliance with the procedures and standards for the Working With Children Check in accordance with Section 36 (1)(f) of the *Commission for Children and Young People Act 1998*.

All fields must be completed. Please use block letters.

Name: _____

Aliases (previous/other names): _____

Date of birth: _____

Signature: _____

Date: _____ Contact telephone number: _____

Contact Email: _____

NOTE: Seek legal advice if you are unsure of your status as a prohibited person.

THIS FORM IS TO BE RETURNED TO YOUR EMPLOYER

ATTACHMENT 5

**6.5 WORKING WITH CHILDREN BACKGROUND
CHECK CONSENT**

All fields must be completed. Please use block letters.

Family name: _____

Given name(s): _____

Previous names/aliases: _____

Date of birth: _____ Gender: (Please tick) Male Female

Place of birth (city, state, country): _____

Identifying document type (e.g. driver's licence/passport): _____

Identifying document number: _____

Address: _____

Suburb/Town: _____ State: _____ Postcode: _____

Contact telephone number: _____ Contact Email: _____

Title of position applied for: _____

Type of position (Please tick):

Paid employee Religious leader/spiritual official of a religion Foster carer

I certify that the above information is accurate and understand that if I have provided false or misleading information it may result in a decision not to employ me, or, if already employed, may lead to my dismissal.

I am aware that if considered for child-related employment, several checks will be undertaken to ascertain my suitability, including:

1. a national criminal record check for charges and/or convictions (including spent convictions) for:

- any sexual offence (including but not limited to, sexual assault, acts of indecency, child pornography, child prostitution and carnal knowledge);
- any child-related personal violence offence;
- any assault, ill treatment or neglect of, or psychological harm to a child and any registrable offence;

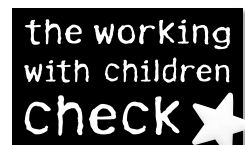
punishable by imprisonment for 12 months or more.

I understand that this check includes convictions or charges that:

- may have not been heard or finalised by a court; or
- are proven but have not led to a conviction; or
- have been dismissed, withdrawn or discharged by a court.

ATTACHMENT 5 (CONTINUED)

2. a check for relevant Apprehended Violence Orders taken out by a police officer or other public official for the protection of a child/ren; and
3. a check for relevant employment proceedings involving an act of violence committed in the course of employment and in the presence of children or reportable conduct. Reportable conduct means any sexual offence, or sexual misconduct committed against, with or in the presence of a child (including a child pornography offence), any child-related personal violence offence, or any assault, ill treatment or neglect of a child, or any behaviour that causes psychological harm to a child.



I understand that a conviction for a serious sex offence (including but not limited to, sexual assault, acts of indecency, child pornography, child prostitution and carnal knowledge) or child-related personal violence offence (including but not limited to, intentionally wounding or causing grievous bodily harm to a child) will automatically prohibit me from child-related employment. This includes a charge that is proven in court but does not proceed to a conviction. I am aware that if I am a Registrable person under the Child Protection (Registrable Offenders) Act 2000, I am prohibited from child-related employment.

I consent to these checks being conducted and am aware that if any relevant record is identified, additional information relating to that record may be sought by an Approved Screening Agency from sources such as courts, police, prosecutors and past employers to enable a full and informed estimate of risk.

I acknowledge that:

- the above information and any information obtained during the Working With Children background check may be collected and used by and/or disclosed to the Commission for Children and Young People or any Approved Screening Agency for the purposes of the Working With Children Check;
- the Commission for Children and Young People or any Approved Screening Agency may share the information obtained during the Working With Children background check with each other to support further estimates of risk arising from additional Working With Children background checks;
- the outcome of an estimate of risk conducted with information obtained through the Working with Children Check by the Approved Screening Agency may be provided to my current or prospective employers or an employer-related body (where applicable) only for background checking purposes;
- details of my relevant records will not be released to my current or prospective employers;
- any information obtained as part of this process may be used by Australian Police Services for law enforcement purposes, including the investigation of any outstanding criminal offences; and
- the information provided may be referred to the Commission for Children and Young People and/or to NSW Police for law enforcement purposes and for monitoring and auditing compliance with the procedures and standards for the Working With Children Check in accordance with Section 36 (1)(f) of the Commission for Children and Young People Act 1998.

Name: _____

Signature: _____ Date: _____

NOTE: This form is to be kept by the employer.



ATTACHMENT 6

6.6 WORKING WITH CHILDREN BACKGROUND CHECK REQUEST



I certify that (please tick):

- I am a representative of the employer engaging the individual(s) listed below and have the authority to submit their name and details to the certified Approved Screening Agency, with which my organisation is registered, for the Working With Children background check;
- I have completed the form, *Is the position child-related employment?*, for the position(s) listed below and have determined that a background check is required;
- information in relation to the background checking process has been provided to all individuals whose names are submitted;
- all individuals have consented to these checks using the Working With Children Background Check consent form;
- I have verified the identity of all individuals whose names are submitted for background checking as required by the 100 point check and retained copies of identification documents for my records. (*The Working With Children Guidelines* provide information on how to accurately identify preferred applicants); and
- this request is made only for preferred applicants to a position that I am seeking to fill.

Name: _____

Signature: _____

Position: _____ Date: _____

All fields must be completed for the check to be processed. Please use block letters.

EMPLOYER DETAILS

Employer name: _____

Employer ID number: _____ ABN: _____

Relevant contact person: _____

Telephone number: _____ Fax number: _____

Contact Email: _____

Number of requests: _____ Total number of pages: _____

This information may be used for monitoring and auditing compliance with procedures and standards for the Working With Children Check in accordance with Section 36(1)(f) of the *Commission for Children and Young People Act 1998*.

NOTE: This form is to be sent to your Approved Screening Agency.

Page: ___ of _____

ATTACHMENT 6 (CONTINUED)

DETAILS OF INDIVIDUALS TO BE CHECKED Please use block letters.

Family name: _____
 Given name(s): _____
 Previous names/aliases: _____
 Date of birth: _____ Gender: (Please tick) Male Female
 Place of birth (city, state, country): _____
 Identifying document type (e.g. driver's licence/passport): _____
 Identifying document number: _____
 Address: _____
 Suburb/Town: _____ State: _____ Postcode: _____
 Contact telephone number: _____ Contact email: _____
 Title of position applied for: _____
 Short-term employee (i.e. being employed for a period of less than six months): (Please tick) Yes No
 Type of position (Please tick):
 Paid employee Religious leader/spiritual official of a religion Foster carer

Family name: _____
 Given name(s): _____
 Previous names/aliases: _____
 Date of birth: _____ Gender: (Please tick) Male Female
 Place of birth (city, state, country): _____
 Identifying document type (e.g. driver's licence/passport): _____
 Identifying document number: _____
 Address: _____
 Suburb/Town: _____ State: _____ Postcode: _____
 Contact telephone number: _____ Contact email: _____
 Title of position applied for: _____
 Short-term employee (i.e. being employed for a period of less than six months): (Please tick) Yes No
 Type of position (Please tick):
 Paid employee Religious leader/spiritual official of a religion Foster carer

This information may be used for monitoring and auditing compliance with procedures and standards for the Working With Children Check in accordance with Section 36(1)(f) of the *Commission for Children and Young People Act 1998*.

Page: ____ of ____



ATTACHMENT 7

6.7 EMPLOYMENT DECISION NOTIFICATION



All fields must be completed. Please use block letters.

APPLICANT DETAILS

Family name: _____

Given name(s): _____

Previous names/aliases: _____

Date of birth: _____ Gender: (Please tick) Male Female

Type of position (Please tick):

Paid employee Religious leader/spiritual official of a religion Foster carer

Title of position applied for: _____

Date applicant was rejected for child-related employment: _____

EMPLOYER DETAILS

Employer name: _____

Employer ID number: _____

Address: _____

Suburb/Town: _____ State: _____ Postcode: _____

Telephone number: _____ Fax number: _____

Relevant contact person: _____

Contact Email: _____

Position of relevant contact person: _____

I certify that the above details are correct and that I am providing this information in accordance with Section 40 of the Commission for Children and Young People Act 1998. I have the authority of the organisation to submit these details to the Commission for Children and Young People.

Name: _____

Position: _____

Signature: _____ Date: _____

NOTE: This form is to be sent to the Commission for Children and Young People.



ATTACHMENT 8

6.8 RELEVANT EMPLOYMENT PROCEEDINGS NOTIFICATION



All fields must be completed. Please use block letters.

EMPLOYEE DETAILS

Family name: _____
Given name(s): _____
Previous names/aliases: _____
Date of birth: _____ Gender: (Please tick) [] Male [] Female
Place of birth (city, state, country): _____

EMPLOYER DETAILS

Employer name: _____
Employer ID number: _____
Address: _____
Phone: _____ Fax: _____
Contact Email: _____
Name of relevant contact person: _____
Position of relevant contact person: _____
Date of completion of relevant employment proceedings: _____
Is the above individual currently an employee of your organisation? [] Yes [] No

CATEGORY OF RELEVANT EMPLOYMENT PROCEEDING

(Please tick the appropriate box)

This is a Category One proceeding [] This is a Category Two proceeding []

I certify that the above mentioned individual has been the subject of employment proceedings involving an act of violence committed in the course of employment and in the presence of children or reportable conduct and that I have the authority to submit these details to the Commission for Children and Young People for background checking purposes.

I have advised the employee using the Relevant Employment Proceedings Employee Advisory Letter.

Name: _____ Position: _____

Signature: _____ Date: _____

This information may be used for monitoring and auditing compliance with the procedures and standards for the Working With Children Check in accordance with Section 36 (1)(f) of the Commission for Children and Young People Act 1998.

NOTE: This form is to be sent to the Commission for Children and Young People and is not to be provided to any other person or organisation.



ATTACHMENT 9

6.9 RELEVANT EMPLOYMENT PROCEEDINGS SUMMARY



All fields must be completed. Please use block letters.

EMPLOYEE DETAILS

- 1. Family name:
2. Given name(s):
3. Date of birth: 4. Gender: (Please tick) Male Female
5. Title of position:
6. Was the person related to any victim(s): Yes No
7. Was the person a stranger to any victim(s): Yes No

INFORMATION ON THE VICTIM(S)

If more than one victim, record separate information for each victim

- 8. Sex: (Please tick) Male Female
9. Age at the time of incident(s):
10. Did the child require any service directly as a result of the incident(s)? Yes No

INFORMATION ON THE INVESTIGATION

- 11. Date(s) of the incident(s):
12. What was the nature of the incident(s):

Empty rectangular box for incident details.

[Include if the behaviour was a one off act or a pattern of behaviour; if the behaviour was committed against, with or in the presence of a child; if the behaviour involved violence (threatened or actual)]



ATTACHMENT 9 (CONTINUED)

13. Were there any personal, family or other factors that may have contributed to the employee's behaviour?
[Consider factors such as the employee's alcohol and drug use, emotional state, relationship difficulties, recent changes in their family, access to and use of support from family and friends, attitude to authority, attitude to physical discipline, and culture.]



14. Place(s) where the incident(s) occurred: _____

15. Were any of the place(s) a public place or institution: (Please tick) Yes No
[A public place is defined as an area maintained for or used by the people or community, or any area that is open to the scrutiny of others]

16. Period during which the investigation occurred: _____

17. List all persons interviewed, the title of their position, and the date(s) of the interview(s) held with them
[If children were interviewed record their position title as non-student/student; if parents were interviewed record their position title as parent]

PERSONS INTERVIEWED	TITLE OF POSITION	DATE OF INTERVIEW

18. Position of the person who conducted the investigation: _____

OUTCOME OF THE INVESTIGATION

19. Is there any evidence of a breach of reportable conduct? (Please tick) Yes No

20. Category of relevance for notification (tick all that apply):

- Sexual offence/assault**
[For this finding a sexual offence against, with or in the presence of a child has occurred, regardless of their consent. It includes the involvement of children in sexual acts or acts of indecency and any sexual threat imposed on a child]
- Sexual misconduct**
[For this finding you must be able to demonstrate that a behaviour or a pattern of behaviour exists aimed at the involvement of children in sexual acts, this includes grooming behaviour]
- Physical assault**
[For this finding all the following must be satisfied: it is an act committed on or towards a child; it involves either the application of force to a child or an act that causes a child to think that immediate force will be used on them; and it is either hostile or reckless (a reckless act is one where a person would reasonably foresee the likelihood of inflicting injury or fear and ignores the risk)]
- Neglect of a child**
[For this finding you must be able to demonstrate that there is some impact on the long-term physical, emotional or intellectual well-being of the child]



ATTACHMENT 9 (CONTINUED)

Psychological harm to a child

[For this finding all the following must be satisfied: the behaviour resulted in significant emotional harm or trauma to the child; the offender's behaviour was inappropriate; and there is a causal link between the offender's behaviour and the harm to the child]



Child pornography offence or misconduct

[This includes filming for indecent purposes]

An act of violence

[For this finding you must be able to demonstrate that an act or series of related acts occurred that: involved violent conduct; it was committed in the course of employment; in the presence of a child; and resulted in injury, either physical or psychological, to the child]

There is some evidence that reportable conduct or an act of violence has occurred, however the finding is inconclusive or there is insufficient evidence.

Name: _____

Position: _____

Signature: _____

Date: _____

ATTACHMENT 10

6.10 RELEVANT EMPLOYMENT PROCEEDINGS EMPLOYEE ADVISORY LETTER



Dear *(insert employee name)*

Section 39 of the *Commission for Children and Young People Act 1998* requires employers to provide details to the Commission for Children and Young People of any employee, either paid or volunteer, who has been the subject of a relevant employment proceeding.

Under the Act, a relevant employment proceeding means employment proceedings against an employee by the employer that involve:

- reportable conduct by the employee; or
- an act of violence committed by the employee in the course of employment and in the presence of a child.

Your name is being registered with the Commission for Children and Young People in relation to the employment proceeding involving ...

It has been given a Category ... classification.

[Select applicable paragraph from two options below]

(If Category One)

If you are the preferred applicant for a child-related employment position in the future, with this or any other organisation, the nature of this relevant employment proceeding will be taken into consideration during the background checking process to determine your suitability for such employment.

OR

(If Category Two)

If you are the preferred applicant for a child-related employment position in the future, with this or any other organisation, this relevant employment proceeding will not be taken into consideration during the background checking process to determine your suitability for such employment. However, if you are the subject of another relevant employment proceeding, or a have relevant criminal record or relevant Apprehended Violence Order, this employment proceeding may be taken into consideration during the background checking process.

If you do not agree with this notification and wish to dispute it, you should contact *{insert name and contact details of employer's relevant officer}* to discuss this further.

The Commission for Children and Young People does not release details of relevant employment proceedings to future or prospective employers when providing advice to them. The only information held by the Commission for Children and Young People is your name, sex, date and place of birth and the relevant employment proceeding category. Records of the relevant employment proceeding are maintained by *{name of employer}*. If *{name of employer}* closes down, your relevant employment proceeding records will be forwarded to the Commission for Children and Young People. Such records will be kept in a secure place and will be used only for the purposes of the background checking process where relevant.

Your entitlement to access information on relevant employment proceedings

Under the *Freedom of Information Act 1989* you are entitled to access any documents held by *{insert name of employer}* relating to this relevant employment proceeding. You can also request that such documents be amended if you consider them to be incomplete, incorrect, out of date or misleading. There is no fee or charge for making a request for access to, or amendment of, documents.

To access documents, or request amendments, you should *{insert employer's requirements, such as "complete the attached FOI application form" or "write a letter requesting access and listing the documents you wish to access"}*.

[Go to index](#)

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ATTACHMENT 10 (CONTINUED)

You should contact *{insert name and contact details of employer's contact person/ FOI officer}* for further information.

If you do not receive a response to your request within 21 days you may complain to the NSW Ombudsman (phone 9286 1000 or 1800 451 524).

If you are refused access to information requested in a FOI application, or refused your requested amendments, you can:

- request that *{insert name of employer}* reviews the decision through an internal review;
- if you are not satisfied with the internal review, or it is unable to occur, request that the NSW Ombudsman reviews the matter;
- if you are not satisfied with the NSW Ombudsman's review, or there is good reason not to request one, make an application to the Administrative Decisions Tribunal, which will consider the merits of the matter and make a binding decision.

Further information about FOI is available from the NSW Ombudsman by telephoning phone 9286 1000 or 1800 451 524 or visiting their website at <http://www.ombo.nsw.gov.au>

Please contact *{insert name and contact details of employer's relevant officer}* if you require any further information on this matter.

Yours sincerely

Name (of Manager/CEO as appropriate)

Position title

Employer organisation name

Date



ATTACHMENT 11

**6.11 RELEVANT EMPLOYMENT PROCEEDING
RECORDS RELEASE**

All fields must be completed. Please use block letters.

EMPLOYER DETAILS

Employer name: _____

Employer ID number: _____

Address: _____

Suburb/Town: _____ State: _____ Postcode: _____

Telephone number: _____ Fax number: _____

Contact Email: _____

Relevant contact person: _____

Position of relevant contact person: _____

I certify that:

I am a representative of the employer named above and have the authority to release the enclosed records relating to relevant employment proceedings to the Commission for Children and Young People;

I consent to the release of the enclosed records relating to relevant employment proceedings to the Commission for Children and Young People; and

I have notified all employees to which the records relate that the records have been forwarded to the Commission for Children and Young People.

Name: _____

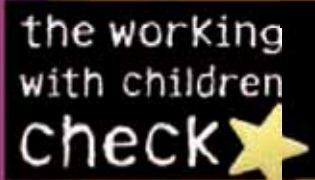
Position: _____

Signature: _____ Date: _____

NOTE: This form is to be sent to the Commission for Children and Young People with the employer's relevant employment proceeding records.



The Working With Children
Employer Guidelines



nsw commission for
children & young people

DECEMBER 2006

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Commissioner's Foreword

The communities that children and young people live in and the organisations they are part of are important to their well-being.

And every day children and young people across NSW spend time with adults in organisations such as schools, childcare centres, refuges, sporting clubs and hospitals.

Keeping children and young people safe in the workplace is part of your broader responsibility, as an employer, to manage risks within your organisation.

These Guidelines will show you how to meet your responsibilities under the Working With Children program.

The Commission for Children and Young People has also developed other resources to complement these Guidelines and help you create a safer, friendlier organisation for kids. You can find these resources on the Commission's website at www.kids.nsw.gov.au/safefriendly.



Gillian Calvert
NSW Commissioner for Children and Young People

Explanatory Note

The Working With Children Employer Guidelines (this document) supersede the 2004 *Working With Children Check Guidelines*.

The information in these Guidelines is correct at 2 January 2007. Updates are available from the Commission for Children and Young People's website at www.kids.nsw.gov.au.

This printed document has been adapted from an electronic version which is available on the Commission's website at www.kids.nsw.gov.au and there are many references within the text to on-line resources. Cross references to other sections or sub-sections in this document are printed in *blue italicised text* (with section number provided).

New South Wales Working With Children program

All employers in NSW, including self employed people, have responsibilities under the Working With Children program.

There are three key strategies to the Working With Children program:



Exclusion of prohibited persons

This strategy focuses on specified, identified offenders and targets the high risk population of known offenders, called prohibited persons.

Under the *Commission for Children and Young People Act 1998* prohibited persons are prevented from working in child-related employment. People who have committed serious sex offences against children or adults, or serious physical assault, kidnap or murder offences against children are prohibited persons.

Further information on your obligations regarding prohibited persons is available at [Don't employ prohibited persons in child-related employment \(section 2.1\)](#).

Working With Children background checks

The Working With Children background check involves checking the relevant records of people who are being recruited to child-related employment to consider whether they indicate any risk to children.

Relevant records are examined to develop an estimate of the risk to children. The result of the estimate of the risk is used by you, the employer, to inform your final recruitment decision.

For further information on the Working With Children background check, go to [When must you do the Working With Children background check? \(section 3.3.3\)](#).

Together, the Working With Children background check and exclusion of prohibited persons make up the Working With Children Check.

**Developing child-safe and child-friendly organisations**

This strategy builds your organisation so it is a safe and friendly environment for children and minimises the risk of harm occurring.

Experience shows us that your commitment to risk management helps make your organisation safer for children, young people and the adults who work there.

By making your organisation safer and more welcoming places for children, you provide the foundation for the other strategies above, and make them more effective.

The Commission for Children and Young People has developed resources to help you put in place policies, procedures and mechanisms for identifying and managing the risks in your organisation, your activities and your staff positions, and for assuring quality.

These resources include recruitment, supervision, training, complaints and disciplinary procedures which address the identified organisational and situational risks. They also include the establishment of participatory mechanisms that guard against risk by creating a culture and environment that promotes openness, makes children feel welcome and encourages children to tell you if something is worrying them.

You can find these resources on the Commission's website at www.kids.nsw.gov.au/safefriendly.

Do you provide child-related employment?

To assist you in determining whether a position is child-related employment, it is recommended you complete the form, *Is the position child-related employment?* (attachment 6.3), for each position

Section

1

Do you provide child-related employment?

To assist you in determining whether a position is child-related employment, it is recommended you complete the form, *Is the position child-related employment?* (attachment 6.3), for each position.

1.1. Is the nature of the work “employment”?

Employment is:

- performance of work under a contract of employment; or
- performance of work as a self-employed person; or
- performance of work as a subcontractor; or
- performance of work as a volunteer for an organisation; or
- undertaking practical training as part of an educational or vocational course; or
- performance of work as a minister, priest, rabbi, mufti or other like religious leader or spiritual officer of a religion or other member of a religious organisation; or
- performance of the duties of a foster carer (ie an authorised carer within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*).

Section

1

Do you provide child-related employment?

1.2 Do you employ people in child-related employment?

Child-related employment is employment:

- in the work settings listed below; and
- that primarily involves contact with children; and
- that involves direct contact with children; and
- where that contact is not directly supervised by a person having the capacity to direct the employee in the course of the employment.

All four criteria must be satisfied for the position to be child-related employment.

1.2.1 The work settings

You employ people in child-related employment if you provide employment in NSW:

- in pre-schools, kindergartens and child care centres (including residential child care centres);
 - pre-schools, kindergartens and child care centres are those defined under the *Children and Young Persons (Care and Protection) Act 1998*, as well as those provided in commercial or recreational facilities
- as a babysitter or childminder that is arranged by a commercial agency;
- involving the private tuition of children;
 - private tuition means tuition formally arranged for children, where the person is actively teaching
- in schools or other educational institutions (not being universities);
 - educational institutions aimed at post-secondary students are not child-related employment
 - employers whose primary purpose is not education are not educational institutions, even when they run an educational program
- on school buses; or
 - school buses cover those accepting travel passes from students travelling to and from school at the start and finish of the school day
 - excursion bus drivers should be under the direction of the accompanying teachers, therefore they are not in child related employment
- involving regular provision of taxi services for the transport of children with a disability;
- involving the provision of child protection services;
- involving fostering or other child care;
 - other child care covers child care akin to residential out of home care, boarding or home stay arrangements and respite care

You employ people in child-related employment if you provide employment in NSW:

- in refuges used by children;

- in detention centres (within the meaning of the *Children (Detention Centres) Act 1987*);

- involving the provision of counselling or other support services for children;
 - other support services for children covers youth services, family support services and other welfare services
 - only staff delivering the counselling or other support service are in child-related employment

- involving the direct provision of child health services;
 - child health services covers medical and dental services, ambulances and those therapies listed in “extras cover” by the major health insurance funds
 - only the health staff, including allied health staff, directly delivering the service are in child-related employment

- in wards of public or private hospitals in which children are patients;

- in clubs, associations, movements, societies, institutions or other bodies (including bodies of a cultural, recreational or sporting nature) having a significant child membership or involvement;
 - museums, councils, galleries and other like institutions are child-related employment if they provide programs specifically for children

- in entertainment venues where the clientele is primarily children;
 - public fairs and events intended for children, children’s theatres, computer games arcades, vacation care centres, public swimming pools and sports facilities are child-related employment
 - zoos, aquariums, theme parks, fun parks, general theatres, circuses and cinemas are child-related employment if they provide programs specifically for children

- at overnight camps for children
 - overnight camps covers activity specifically for children involving overnight accommodation, for example in tents, temporary shelters or group accommodation with organised recreation or programs

- in any religious organisation;

Section

1

Do you provide child-related employment?

1.2.2 Primarily involves contact with children

The position primarily involves contact with children when direct contact with children is an essential requirement of the job. For example, a builder/carpenter contractor working in a school is not in child-related employment as contact with children is not an essential requirement of their job.

1.2.3 Direct contact with children

To involve direct contact with children, it must be face to face contact. Contact with children by telephone or online is not direct contact.

1.2.4 Not directly supervised

Supervised refers to supervising the employee's contact with children. An employee is not directly supervised when:

- there is no officer on site with the capacity to direct the employee during their contact with children; or
- there are periods of more than a few minutes when the employee is not in view of this officer or other delegated officer.

1.2.5 Capacity to direct the employee

A person can direct if they have a higher authority or they are delegated. For example, a teacher supervising children on an excursion is a delegate of the school so can direct a bus driver on such excursions.

1.2.6 If you are still not sure whether a position is child-related employment

If you are not sure whether a position is child-related employment, go to the Commission for Children and Young People's website at www.kids.nsw.gov.au/check or contact your Approved Screening Agency.

1.3 What if you are not based in NSW?

If you employ staff in child-related employment in NSW, but you are based outside of NSW then you must comply with the Working With Children Check.

If an employee is engaged to work with children outside NSW, but their work occasionally requires them to work with children in NSW the Working With Children Check does not apply. For example, a teacher employed by a Queensland school on an excursion to NSW with children from their class is not required to do the NSW Working With Children Check.

1.4 What if you don't provide child-related employment?

All employers have a responsibility to manage risks to children within their workplaces. The Commission for Children and Young People helps employers do this by providing our Child-safe Child-friendly resources.

For further information on managing risks in your workplace go to [What are other employment screening options? \(section 5.1\)](#) and the Commission for Children and Young People's Child-safe Child-friendly resources, at www.kids.nsw.gov.au/safefriendly.

If you do not employ people in child-related employment, you are *still* required to report relevant employment proceedings to the Commission for Children and Young People.

Any employer can be required, if requested, to provide information to the Commission for Children and Young People or Approved Screening Agencies about employees who have been the subject of relevant employment proceedings.

For further information go to [Relevant employment proceedings \(section 4\)](#).

Your obligations as an employer

As an employer, the Working With Children Check requires that you:

- don't employ prohibited persons in child-related employment;
- do Working With Children background checks;
- report relevant employment proceedings; and
- keep records and protect confidentiality.

Section

2

Your obligations as an employer

As an employer, the Working With Children Check requires that you:

- don't employ prohibited persons in child-related employment;
- do Working With Children background checks;
- report relevant employment proceedings; and
- keep records and protect confidentiality.

2.1 Don't employ prohibited persons in child-related employment

It is an offence for prohibited persons to apply for or otherwise attempt to obtain, undertake or remain in child-related employment in any capacity, whether paid, volunteering or self employed.

You must ask all preferred applicants for child-related employment to declare that they are not a prohibited person. To do this use the *Prohibited Employment Declaration* (attachment 6.4).

For further information on your obligations go to [Prohibited persons](#) (section 3.2).

2.2 Do Working With Children background checks

You must conduct Working With Children background checks for:

- preferred applicants for paid child-related employment;
- foster carers; and
- ministers, priests, rabbis, muftis or other like religious leaders or spiritual officers of a religion entering into child-related employment.

Working With Children background checks are not available for any other employees or self-employed people.

For further information on how to do Working With Children background checks go to [Do you need to do Working With Children background checks?](#) (section 3.3).

2.3 Report relevant employment proceedings

All employers must notify the Commission for Children and Young People of the details of any employee against whom relevant employment proceedings have been completed since 3 July 1995.

If you subsequently discover that a relevant employment proceeding was wrongly notified to the Commission for Children and Young People, you must tell the Commission.

Both the Commission for Children and Young People and the NSW Ombudsman have a role in the notification of relevant employment proceedings. However, not all employers are subject to the NSW Ombudsman's scheme. For further information on employers' obligations under the NSW Ombudsman refer to the NSW Ombudsman's *Child Protection in the Workplace: Responding to Allegations Against Employees* (June 2004, 3rd edition) at www.ombo.nsw.gov.au.

For further information on relevant employment proceedings and how to notify them to the Commission for Children and Young People go to [Relevant Employment Proceedings](#) (section 4).

Section 2

Your obligations as an employer

2

2.4 Keep records and protect confidentiality

The Working With Children Check depends on accurate and reliable information. To maintain the integrity of the Check it is important that information collected is used in a fair, responsible and accountable way.

You must keep records of investigations and findings leading to relevant employment proceeding notifications so that it is available for future reference.

You must keep all information regarding the Working With Children Check confidential. It is an offence to disclose information obtained as part of the Working With Children Check, except in specified circumstances.

For further information on your obligations to maintain the confidentiality of the Working With Children Check go to [Maintaining confidentiality](#) (section 5.2).

Where a person who has been the subject of a relevant employment proceeding makes an application to access documents from you which contain information about those proceedings under the *Freedom of Information Act 1989*, you must provide them with access.

A step-by-step guide for
child-related employment

Section

3

3.1 Recruitment for child-related employment

Before you recruit you should know whether the position is child-related employment.

Job applicants should know in advance if they will be required to declare they are not a prohibited person or require a Working With Children background check. You should make this information available in your job advertisement or information package.

To assist you in determining whether a position is child-related employment it is recommended you complete the form, *Is the position child-related employment?* (attachment 6.3), for each position. This form will help you decide whether a position requires a Working With Children background check. In addition, if an estimate of risk is being undertaken on the person in the position the Approved Screening Agency will require you to provide the form at that stage. Keep the form with your records for future reference.

3.2 Prohibited persons

3.2.1 Who is a prohibited person

A prohibited person is a person who is convicted of the following (whether in NSW or elsewhere):

- serious sex offence;
- child-related personal violence offence;
- murder of a child;
- indecency offences punishable by imprisonment of 12 months or more;
- kidnapping (unless the offender is or has been the child's parent or carer);
- offences connected with child prostitution;
- possession, distribution or publication of child pornography; or
- attempt, conspiracy or incitement to commit the above offences.

A prohibited person includes a Registrable person under the *Child Protection (Offenders Registration) Act 2000*.

A person is convicted if a charge against them is proven in court and recorded as such. It includes a finding that the charge for an offence is proven, or that a person is guilty of an offence, even though the court does not proceed to a conviction.

A person employed in child-related employment before 2 January 2007 who has previously been convicted of a child-related personal violence offence is not a prohibited person in relation to their current position.

It is an offence for a prohibited person to work in child-related employment, including in a self-employed capacity. For more information go to [What are the offences and penalties?](#) (section 5.3).

The only situation in which a prohibited person can work in child-related employment is where all the children with whom the person will have contact are related to:

- the person; or
- the employer, and the person is related to the employer.

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Some prohibited persons can apply for a review of their prohibited status. However, a prohibited person who has been convicted of any of the following offences as an adult can not apply for a review of their status:

- murder of a child;
- sexual intercourse with a child under 16 years;
- sexual intercourse with a child 16-18 years if the offender was a guardian, school teacher, coach, health professional or in similar position of providing special care at the time of the offence;
- the production of child pornography; or
- attempt, conspiracy or incitement to commit the above offences.

A review can result in an order declaring that prohibition under the *Commission for Children and Young People Act 1998* does not apply to the person. A review can also result in a conditional order declaring that prohibition under the *Commission for Children and Young People Act 1998* does not apply to the person subject to specified conditions. Where a conditional order exists, you should ask the person for a copy of the order to confirm that the requirements of the position comply with the conditions of the order.

For more information on applying for a review of prohibited person status go to the Commission for Children and Young People's website (www.kids.nsw.gov.au/check).

3.2.2 When to seek Prohibited Employment Declarations

You must ask all preferred applicants for child-related employment to complete a *Prohibited Employment Declaration* (attachment 6.4) to declare that they are not a prohibited person. This includes volunteers and students on placement. It is an offence to employ anyone in child-related employment without requiring them to disclose whether they are a prohibited person. For more information go to *What are the offences and penalties?* (section 5.3).

3.2.3 How often to get Prohibited Employment Declarations signed

A *Prohibited Employment Declaration* (attachment 6.4) must be completed each time a person enters into child-related employment with you.

The Declaration is current while a person remains an employee with you. It is not necessary for employees to complete another Declaration during their term of employment, regardless of the length of time they are employed. For information on people being re-employed on a short-term basis go to *Short-term employees* (section 3.3.5).

If you transfer ownership to a new employer, all completed *Prohibited Employment Declarations* should be handed over to that new employer. The new employer is not required to ask existing employees to complete a *Prohibited Employment Declaration* again.

If an employee currently engaged in child-related employment becomes a prohibited person, it is their responsibility to vacate that position. You should formally and regularly remind employees of this obligation.

3.2.4 Storing Prohibited Employment Declarations

The employee should return the *Prohibited Employment Declaration* (attachment 6.4) to you for your records. You must keep the Declaration in a secure location, such as on the employee's personnel file.

3.2.5 How long to keep Prohibited Employment Declarations

You must keep *Prohibited Employment Declarations* (attachment 6.4) for two years after a person ceases their employment with you. However, as some employers are required to keep personnel records, such as *Prohibited Employment Declarations*, for longer you should also refer to the relevant legislation or guidelines for your industry.

3.2.6 Commission for Children and Young People may request Prohibited Employment Declarations for auditing purposes

You are not required to submit *Prohibited Employment Declarations* (attachment 6.4) to an Approved Screening Agency or the Commission for Children and Young People, unless requested for the purposes of undertaking an estimate of risk or auditing and monitoring.

If you are not able to provide the Commission for Children and Young People with a *Prohibited Employment Declaration* when requested, and you do not have a reasonable excuse, you may be guilty of an offence. For further information, go to [Failing to produce information when requested by the Commission for Children and Young People](#) (section 5.3.6).

Where you provide such information in good faith and with reasonable care as part of the Working With Children Check you are protected from any action, liability or claim.

3.2.7 If a prohibited person applies for child-related employment

If you become aware that a prohibited person has applied for child-related employment, you should refuse them the position.

If you become aware that a person currently in child-related employment is a prohibited person, move them out of child-related employment immediately.

In either situation you must then notify your Approved Screening Agency.

3.3 Do you need to do Working With Children background checks?

3.3.1 Who must be checked?

The Working With Children background check is mandatory for:

- preferred applicants for paid child-related employment;
- ministers, priests, rabbis, muftis or other religious leaders or spiritual officials of religion seeking child-related employment; and
- foster carers.

Working With Children background checks are not available for any other employees or self-employed people.

Working With Children background checks are not available where:

- all the children with whom the person will have contact are related to the person; or
- all the children with whom the person will have contact are related to the employer, and the person is related to the employer.

For further information go to [Do you provide child-related employment?](#) (section 1).

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The Commission for Children and Young People can take enforcement action against any employer who does not do the Working With Children background check where it is mandatory. For further information follow the link to [What are the offences and penalties?](#) (section 5.3).

3.3.2 Who is not checked?

You *cannot* request a Working With Children background check for preferred applicants for whom it is not mandatory.

You may wish to perform other types of background checks, such as reference checks, as part of your employment screening.

For more information on other checks go to [What are other employment screening options?](#) (section 5.1).

For more information on recruiting and selection for child-related employment, go to the Commission for Children and Young People's Child-safe Child-friendly resources at www.kids.nsw.gov.au/safefriendly.

3.3.3 When must you do the Working With Children background check?

The Working With Children background check is a pre-employment check. You must do the check before the person starts a position in child-related employment.

You cannot check existing employees or people at times other than recruitment for child-related employment.

The check is current while a person remains in the same position in child-related employment with you. People returning from leave into the same child-related employment do not need to be rechecked. Existing employees are only checked if they are recruited to a different child-related employment position within the organisation. For example, a Department of Education school counsellor who is transferred from one region to another but remains a Department of Education school counsellor, is in the same child-related employment position and does not need to be checked again. However, a Department of Education school counsellor who is transferred to a position as a Department of Education teacher will be in a different child-related employment position and a request for a new background check must be made.


If you transfer ownership to a new employer, the *Working With Children Background Check Consent* (attachment 6.5) and *Working With Children Background Check Request* (attachment 6.6) forms should be handed over to the new employer. The new employer is not required to recheck existing employees remaining in the same position in child-related employment.

There are special provisions for some people re-employed on a short-term basis in the same position in child-related employment. For more information go to [Short-term employees](#) (section 3.3.5).

3.3.4 What to do if you need to employ a person urgently

In most cases the Working With Children background check can be completed relatively quickly. Should a situation arise where it is not practicable for the Working With Children background check to be undertaken prior to the commencement of employment, a request for checking must be completed as soon as possible after the person commences. In any case, the request should be sent immediately.

Go to [How to obtain a Working With Children background check](#) (section 3.5).



In these cases you must request the employee complete a *Prohibited Employment Declaration* (attachment 6.4) and you should advise employees that their ongoing employment is conditional upon the satisfactory outcome of the Working With Children background check. You should also consider modifying the work requirements of the new employee until the check is completed. Modifications may include limiting the access of the person to children or providing additional supervision in the interim. As the Working With Children background check process is generally short, any variation to the work will be for a limited period of time.

3.3.5 Short-term employees

If you are employing a person for a period of less than six months you are not required to request the Working With Children background check if:

- you have previously undertaken a Working With Children background check on that person within the last 12 months; and
- the person is being employed in the same kind of child-related employment as they were when the check was undertaken.

The 12 month period starts from the date on the *Advice to employers – results of background check* letter you will receive from your Approved Screening Agency.

You are also not required to ask the person to fill in another *Prohibited Employment Declaration* if they have previously completed one within the 12 month period.

For example, an aquatic centre employed a children's swimming instructor for three weeks during January 2007 following completion of a *Prohibited Employment Declaration* and a Working With Children background check being undertaken. The centre wishes to employ the same instructor again in the same role during October 2007. As the centre has previously requested a Working With Children background check on the instructor within the last 12 months, it is not required to undertake another check at this stage.

The Minister can appoint an employer-related body to request the Working With Children background check for short-term employees on behalf of its employer members.

To be appointed as an employer-related body, organisations must first meet the standards set by the Commission for Children and Young People. These standards relate to procedures for joining up member employers, verification of identification, records management and security, disclosure of information, auditing and monitoring requirements and timeframes.

Visit the Commission for Children and Young People's website for contact details of employer-related bodies at www.kids.nsw.gov.au/check.

3.3.6 What records are checked in the Working With Children background check

There are three types of records considered in the Working With Children background check: relevant criminal records, relevant apprehended violence orders (AVOs) and relevant employment proceedings.

For further information on relevant records go to [Background information – What records are checked in the Working With Children background check?](#) (section 5.4).

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3.4 How to register for the Working With Children background check

You must register with an Approved Screening Agency (ASA) who will undertake the Working With Children background check on preferred applicants for child-related employment on your behalf.

3.4.1 What are Approved Screening Agencies?

The Minister has appointed Approved Screening Agencies to carry out the Working With Children background check.

3.4.2 Which Approved Screening Agency should you register with?

The Approved Screening Agencies do Working With Children background checks for the following sectors:

Commission for Children and Young People

Ph: (02) 9286 7219 Fax: (02) 9286 7201

- child care and child-minding;
- foster care;
- transport sector (not government school bus services);
- entertainment venues where the clientele is primarily children (not sports venues);
- religious organisations;
- non-government schools (not private educational service providers);
- private tutors (not sports coaches);
- welfare; and
- law enforcement and justice.

Catholic organisations in any of the above sectors should register with the Catholic Commission for Employment Relations.

NSW Department of Education and Training

Ph: (02) 9836 9200 Fax: (02) 9836 9222

- government schools, TAFE colleges and private educational service providers;
- school bus services;
- taxi services for the transport of children with a disability in government schools; and
- homestay service providers.

NSW Department of Health

Ph: (02) 9391 9800 Fax: (02) 9391 9795

- wards of public and private hospitals;
- direct services for children in health or allied health fields;
- health counselling and support services;
- employment agencies for health or allied health staff; and
- ambulances.

NSW Department of Arts, Sport and Recreation

Ph: (02) 9006 3774 Fax: (02) 9006 3900

- sport and recreation clubs or associations;
- sports coaching;
- overnight sport and recreation camps; and
- sport and recreation venues where the clientele is primarily children (such as public swimming pools and leisure centres).

Catholic Commission for Employment Relations

Ph: (02) 9390 5255 Fax: (02) 9267 9303

- Catholic education;
- Catholic welfare;
- Catholic religious organisations; and
- Catholic health services.

If you receive funding from, or are regulated by, one of the Approved Screening Agencies, you should register with that Approved Screening Agency to carry out the Working With Children background check on your behalf.

If you receive funding from, or are regulated by, a government department that is not an Approved Screening Agency, you should register with the Approved Screening Agency that best represents your industry.

If you work across a number of industries, or are funded by a number of Approved Screening Agencies, you should register with the Approved Screening Agency that best represents and understands the industry in which the majority of your work is undertaken.

You can contact the Commission for Children and Young People on 02 9286 7219 or email check@kids.nsw.gov.au for advice if you are not sure which Approved Screening Agency to register with.

For further information go to *What you should expect from your Approved Screening Agency (section 5.8)*.

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3.4.3 How do you register with an Approved Screening Agency?

To register, fill out the *Employer Registration Form* (attachment 6.1) and send it to the relevant Approved Screening Agency.

You must nominate a contact officer within your organisation, or other authorised persons, who can be contacted by the Approved Screening Agency to discuss Working With Children background check requests.

If your details change, such as your address, the contact officer or authorised persons, you must complete the *Amendment to Employer Registration Details Form* (attachment 6.2) and send it to your Approved Screening Agency.

3.5 How to obtain a Working With Children background check

3.5.1 Identifying the preferred applicant accurately

Before you request a Working With Children background check you must ask preferred applicants to provide documents to support their identity. This must include original documents adding up to a minimum of 100 points as required by the 100 Point Check under the *Financial Transaction Reports Act 1988*.

You must confirm that you have sighted the required documents on the *Working With Children Background Check Request Form* (attachment 6.6). Return the documents to the person once you've done this.

The following lists set out the value of each document according to the 100 Point Check.

70 points

Name of preferred applicant verified from one of the following (more than one document from this list cannot be counted):

- Birth Certificate
- Birth Card issued by the NSW Registry of Births, Deaths and Marriages
- Citizenship Certificate
- Current Australian passport
- Expired Australian passport which has not been cancelled and was current within the preceding 2 years
- Current passport from another country or diplomatic documents.

For a preferred applicant under 18 years, one document from the above list, or the following, is sufficient:

- Identity of the applicant verified by an educational institution, either on a student card or a letter signed by the principal, deputy principal, head teacher, deputy head teacher or enrolment officer, confirming that the applicant currently attends the institution.

40 points

Name and photograph/signature of preferred applicant verified from one of the following (more than one document can be counted):

- Current driver photo licence issued by an Australian state or territory
- Identification card issued to a public employee
- Identification card issued by the Australian or any state government as evidence of a person's entitlement to a financial benefit
- Identification card issued to a student at a tertiary education institution.

35 points

Name and address of preferred applicant verified from any of the following (more than one document can be counted):

- Document held by a cash dealer giving security over property
- A mortgage or other instrument of security held by a financial body
- Council rates notice
- Document from current employer or previous employer within the last two years
- Land Titles Office record
- Document from the Credit Reference Association of Australia.

25 points

Name of preferred applicant verified from any of the following (more than one document can be counted):

- Current credit card or account card from a bank, building society or credit union
- Local council rates notices
- Current telephone, water, gas or electricity bill
- Foreign driver's licence
- Medicare Card
- Electoral roll compiled by the Australian Electoral Commission
- Lease/rent agreement
- Current rent receipt from a licensed real estate agent
- Records of a primary, secondary, or tertiary educational institution attended by the applicant within the last 10 years
- Records of a professional or trade association of which the applicant is a member.

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3.5.2 Requesting consent from the preferred applicant

The Working With Children background check will not be completed on a person without their consent. You must ask preferred applicants for their consent, whether they are new to your organisation, or you already employ them and they are the preferred applicant for another child-related position in your organisation.

Preferred applicants must complete the *Working With Children Background Check Consent Form* (attachment 6.5) which is to be retained by you.

The Commission for Children and Young People may require you to provide a copy of the consent form for auditing and monitoring purposes. If you are not able to produce such information without a reasonable excuse you may be guilty of an offence. For further information, go to [Failing to produce information when requested by the Commission for Children and Young People](#) (section 5.3.6).

3.5.3 How long to keep consent forms

You should keep the *Working With Children Background Check Consent Forms* (attachment 6.5) for as long as you retain other personnel records.

3.5.4 Information you are required to provide to your Approved Screening Agency

To request a Working With Children background check, you must complete the *Working With Children Background Check Request Form* (attachment 6.6) and send it to your Approved Screening Agency.

A request will not be processed if:

- the check is for a preferred applicant for whom the Working With Children background check is not mandatory;
- the check is for an existing employee who is not changing to a different child-related employment position;
- you have used the wrong form;
- there is data missing on the form; or
- the form is not signed by an authorised person.

3.6 What happens if the Working With Children background check shows no relevant records exist

Your Approved Screening Agency will notify you using the *Advice to employers – results of background check* letter if there is no information to suggest that the preferred applicant poses any greater risk to children than any other employee.

You then decide whether or not to employ the person based on the Working With Children background check, findings of interviews, referee checks and any other screening procedure you have used.

All employers who provide child-related employment should adopt child-safe and child-friendly practices to manage their risks to children. For further information go to the Commission for Children and Young People's Child-safe Child-friendly resources (www.kids.nsw.gov.au/safefriendly).

3.7 What happens if a relevant record exists

If a relevant record exists, your Approved Screening Agency will do an estimate of risk and provide it to you.

3.7.1 Verifying the records

Your Approved Screening Agency will contact you to verify that the position is primary child-related employment.

If you notified a relevant employment proceeding and a risk estimate is being conducted on that person, then an Approved Screening Agency may contact you for further information.

For further information go to *What does an estimate of risk take into account?* (section 5.6).

For further information on what happens if a preferred applicant's relevant records show they are a prohibited person go to *If a prohibited person applies for child-related employment* (section 3.2.7).

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3.7.2 Providing information to the Approved Screening Agency

Your Approved Screening Agency may contact you as part of undertaking the estimate of risk to gather information, which could include:

- the position description, detailing roles, responsibilities and supervision arrangements;
- the organisation's plan for managing risks to children posed by staff;
- forms such as the *Working With Children Background Check Consent Form*, *Is the position child-related employment? Form* and *Prohibited Employment Declaration*; and
- any other relevant information.

As part of the estimate of risk, an Approved Screening Agency may also contact employers who have notified relevant employment proceedings to obtain further details regarding the nature of such proceedings.

For further information on relevant employment proceedings go to [Relevant employment proceedings](#) (section 4).

3.7.3 Are you protected when you provide information?

Where you act in good faith and with reasonable care as part of the Working With Children Check you are protected from any action, liability or claim.

However, there are penalties for inappropriate disclosure of information regarding the Working With Children Check. For further information go to [Breaching confidentiality](#) (section 5.3.5).

3.7.4 Making your employment decision

Once the estimate of risk is complete, your Approved Screening Agency will send you a letter informing you of the outcome.

It is your decision whether to employ a person who has been subject to a Working With Children background check. Using all the information you have, including the estimate of risk, you then decide whether it is appropriate to employ the person in the position.

If a person has been checked and an estimate of risk has been undertaken, you should consider:

- the safety and welfare of children as the paramount consideration;
- the estimate of risk outcome provided by the Approved Screening Agency;
- the findings of interviews, referee checks and any other screening procedure you have used; and
- the nature of the position, including the type of contact with children and your organisation's capacity to manage risk effectively.

You may consider making changes in your organisation to make it more child-safe and child-friendly before offering employment.

Where the preferred applicant does not have a relevant record against him or her, but a referee raises concern in relation to child-related employment, you need to make a judgement about the person's suitability for employment. Approved Screening Agencies will not do an estimate of risk for these matters.



3.7.5 When to notify the Commission for Children and Young People about your employment decision

You must notify the Commission for Children and Young People if you decide not to employ the person in child-related employment based on the outcome of the estimate of risk. Where you offer the person another position that is not child-related employment, this is considered rejecting that preferred applicant for child-related employment and you must notify these cases. To do this you should complete the *Employment Decision Notification* Form (attachment 6.7) and send it to the Commission for Children and Young People.

The Commission for Children and Young People uses this information for auditing and monitoring the Working With Children background checking process only. Identifying information is not released to any person, including future employers.

If you fail to notify the Commission for Children and Young People of an applicant rejected for child-related employment, the Commission may take enforcement action. For further information, follow the link to [What are the offences and penalties?](#) (section 5.3).

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Relevant employment proceedings are considered as part of the Working With Children background check. This allows employers who are aware of serious harm occurring in workplaces to pass on this information to potential future employers.

All employers must notify the Commission for Children and Young People of the name and other identifying particulars of any employee (either paid or unpaid) against whom relevant employment proceedings have been completed by the employer since 3 July 1995. The person subject to the relevant employment proceeding need not have been in child-related employment. Notifications must be made using the *Relevant Employment Proceedings Notification Form* (attachment 6.8).

If you do not notify relevant employment proceedings the Commission for Children and Young People can take enforcement action. For further information follow the link to [What are the offences and penalties?](#) (section 5.3).

Not all inappropriate professional conduct will constitute a relevant employment proceeding. Where conduct is not reportable as a relevant employment proceeding, you should respond in accordance with your own workplace policies and procedures.

4.1 What is a relevant employment proceeding?

A relevant employment proceeding is a completed disciplinary proceeding where an employer (or professional or other body that supervises the professional conduct of the employee) has found reportable conduct occurred.

Reportable conduct includes:

- any sexual offence, or sexual misconduct, committed against, with, or in the presence of, a child; or
- any child pornography offence or misconduct involving child pornography; or
- any child-related personal violence offence; or
- an offence of filming for indecent purposes committed against, with, or in the presence of, a child under section 21G or 21H of the *Summary Offences Act 1988*; or
- any assault, ill-treatment or neglect of a child; or
- any behaviour that causes psychological harm to a child, whether or not the child consents; or
- an act of violence committed by an employee in the course of employment and in the presence of a child has occurred; or
- there is some evidence that reportable conduct or an act of violence occurred, however the finding is inconclusive or there is insufficient evidence.

Do not notify the Commission for Children and Young People where completed employment proceedings have found:

- the alleged reportable conduct or act of violence did not occur; or
- the allegations were false, vexatious or misconceived.

It is not necessary to notify the Commission for Children and Young People where the conduct is exempted from notification by a class or kind agreement.

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For further information, follow the link to [What is reportable conduct and 'an act of violence' for the purposes of a relevant employment proceeding?](#) (section 5.5).

The NSW Ombudsman document *Child Protection in the Workplace: Responding to Allegations Against Employees (June 2004, 3rd edition)* provides further assistance on what constitutes reportable conduct. It is available from the NSW Ombudsman's website at www.ombo.nsw.gov.au.

4.1.1 When is an employment proceeding considered "completed"?

You are required to notify the Commission for Children and Young People when a relevant employment proceeding is completed, not when an allegation is made.

An employment proceeding is considered completed when:

- you have undertaken an investigation;
- you have ended the investigation, either because you have enough information, or you cannot get any more information;
- a finding is made on the basis of the investigation; and
- a decision is made as to the disciplinary action, if any, that should be taken.

An employment proceeding is completed regardless of whether or not you have taken disciplinary action against the employee or whether or not the employee has exercised or exhausted any right of appeal or review.

An investigation must still be undertaken if an employee resigns. However, if you cannot investigate fully because the employee resigns or otherwise does not respond to requests for information, the investigation is considered completed.

4.1.2 What is a class or kind agreement?

A class or kind agreement is an agreement made between the Commission for Children and Young People and an employer which changes some of the relevant employment proceeding reporting arrangements of that employer.

Class or kind agreements recognise the individual conditions, complaint processes and professionalism that employers provide. Oversight of complaints processes by the NSW Ombudsman is often a key factor in a making class or kind agreement.

4.1.3 What reportable conduct does not include

Reportable conduct does not include:

- conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant professional standards; or
- conduct that is exempted from notification by a class or kind agreement under these Guidelines; or
- the use of physical force that, in all the circumstances, is trivial or negligible, but only if the employer is an agency to which *Part 3A of the Ombudsman Act 1974* applies and the matter is to be investigated and the result of the investigation recorded under workplace employment procedures.

Examples of behaviours that are not reportable conduct include:

- touching a non-intimate part of a child's body to attract a child's attention, to guide or to comfort a child;
- a school teacher raising his or her voice or shouting to attract attention or to restore order in the classroom;
- conduct that is established to be accidental;
- providing medical care to a child who is hurt;
- use of reasonable physical force to disarm a child seeking to harm themselves or another;
- not acting in response to a situation, such as a physical fight between children, where an employee's own safety may be put at risk;
- not providing supervision where this was for good reason and in a low risk situation; and
- actions found to have been appropriate physical contact in classes such as sport, drama, dance, etc.

4.1.4 What is trivial or negligible use of physical force?

Trivial or negligible use of physical force is force which is not significant enough to cause concern for, or harm to, a child. It may be ordinary, although intentional, use of force, such as forcing a child to move when they refuse. Force that may be trivial for a ten year old child may not be trivial for a two year old. Matters must be considered on their individual merits.

For employers subject to *Part 3A of the Ombudsman Act 1974*, allegations of trivial or negligible use of physical force are only exempt from notification if they are investigated and recorded by the employer according to workplace employment procedures.

You should carefully examine any repeat "trivial or negligible" use of force.

4.2 Which matters should not be notified to the Commission for Children and Young People?

DO NOT NOTIFY the Commission for Children and Young People of employment proceedings completed before 3 July 1995.

DO NOT NOTIFY the Commission for Children and Young People if you have completed the employment proceedings and found that an incident was not reportable conduct or an act of violence.

DO NOT NOTIFY the Commission for Children and Young People if the conduct is not required to be notified by a class or kind agreement under these Guidelines.

DO NOT NOTIFY the Commission for Children and Young People if you have completed the employment proceedings and found the allegation is:

- false - the alleged conduct did not occur; or
- vexatious - the allegation was made without substance and with the intent of being malicious or to cause distress to the person against whom the allegation was made; or
- misconceived - even though the allegation was made in good faith the person making the allegation misunderstood what actually occurred; or

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- conduct reasonable for discipline, management or care of children having regard to the situation; or
- regarding the use of physical force which is trivial or negligible, where your organisation is one to which *Part 3A of the Ombudsman Act 1974* applies and there is a documented investigation of the matter.

4.3 What are the categories for relevant employment proceedings?

When you notify a relevant employment proceeding to the Commission for Children and Young People, you need to categorise those proceedings as either a Category One or Category Two relevant employment proceeding.

This two tier reporting system recognises the complexities of employee behaviour in a child protection context.

If you are in doubt about which category is appropriate in a particular instance, you should contact the Commission for Children and Young People for advice, or classify the matter as Category One.

4.3.1 Category One classification

Category One matters trigger an estimate of risk if the person has a Working With Children background check.

You should report as Category One all relevant employment proceedings where the investigation has found:

- reportable conduct; or
- an act of violence took place; or
- some evidence that reportable conduct or an act of violence occurred, however the finding is inconclusive and you think that the conduct should be considered in an estimate of risk when the person next seeks child-related employment.

4.3.2 Category Two classification

Category Two matters by themselves do not trigger an estimate of risk if the person has a Working With Children background check. A Category Two matter will be considered in an estimate of risk if there are other relevant records for the person.

You should report as Category Two all relevant employment proceedings where the investigation has found some evidence that reportable conduct or an act of violence occurred, however the finding is inconclusive. You may notify such conduct as Category One if you consider the matter should be considered in an estimate of risk when the person next seeks child-related employment

4.4 How do you notify the Commission for Children and Young People of a relevant employment proceeding?

To notify the Commission for Children and Young People of a relevant employment proceeding, you must:

- complete the *Relevant Employment Proceedings Notification Form* (attachment 6.8); and
- submit this to the Commission.

Notification to the Commission for Children and Young People should be within one month of completing a relevant employment proceeding.

You should also complete the *Relevant Employment Proceedings Summary* (attachment 6.9) and keep it with your records. This form records the information which will be required by an Approved Screening Agency when undertaking an estimate of risk. For further information on your obligations to keep records and provide access to employees, go to [What information do you need to record?](#) (section 4.5).

You are required to complete this form regardless of whether you are subject to the NSW Ombudsman's scheme under *Part 3A of the Ombudsman Act 1974*.

The requirements in the Summary are consistent with good practice under the NSW Ombudsman's scheme as detailed in *Child Protection in the Workplace: Responding to Allegations Against Employees (June 2004, 3rd edition)*. This document is available from the NSW Ombudsman's website at www.ombo.nsw.gov.au.

4.4.1 **Notifying the employee**

You *must* inform the employee that you have notified the Commission for Children and Young People of a relevant employment proceeding involving them. To do this, you must use the *Relevant Employment Proceedings Employee Advisory Letter* (attachment 6.10), adding your details where relevant.

Under the *Freedom of Information Act 1989* where an employee makes a request for access to documents with regard to relevant employment proceedings, you are required to show them all related documents. This includes the *Relevant Employment Proceedings Summary*.

4.5 What information do you need to record?

4.5.1 **Keep records of relevant employment proceedings**

You must make complete records of relevant employment proceedings, including the information you have provided to the Commission for Children and Young People, the reasons for your decision to categorise a proceeding as Category One or Two and the *Relevant Employment Proceedings Summary* (attachment 6.9). You must retain this information so that it is available for future reference. This duty applies despite any other requirement for disposal of records.

It is important to retain this information as an Approved Screening Agency may contact you at any time as part of undertaking an estimate of risk to obtain further details on a relevant employment proceeding.

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If the Commission for Children and Young People requests that you provide this information and you are not able to without a reasonable excuse, you may be guilty of an offence. For further information, go to [Failing to produce information when requested by the Commission for Children and Young People](#) (section 5.3.6).

If you transfer ownership to a new employer, all records of relevant employment proceedings should be transferred and kept by the new employer.

If you close down, all records relating to relevant employment proceedings should be forwarded to the Commission for Children and Young People with the *Relevant Employment Proceeding Records Release Form* (attachment 6.11). These records will be kept in a secure place and will be used only for the purposes of conducting an estimate of risk as part of the Working With Children background check.

You should also notify all employees to whom the records relate that the records have been forwarded to the Commission for Children and Young People for storage purposes should the need for an estimate of risk arise in the future. Employees have a right under the *Freedom of Information Act 1989* to access these records. For further information go to [Access to information for employees](#) (section 4.5.3).

4.5.2 Confidentiality of relevant employment proceedings

You must keep relevant employment proceedings confidential. Any information you obtain should only be provided to people who are authorised to see such information, and only if they need to see it.

For further information go to [Maintaining confidentiality](#) (section 5.2).

4.5.3 Access to information for employees

Under the *Freedom of Information Act 1989*, where a person has been the subject of a relevant employment proceeding, the person is entitled to apply for:

- access to any documents from your organisation which contain information about those proceedings. This includes the information you have provided to the Commission for Children and Young People and the *Relevant Employment Proceedings Summary*; and
- amendment of the records relating to information about relevant employment proceedings if they consider the information is incomplete, incorrect, out of date or misleading.

This is regardless of whether the person is a current employee or not.

You are not permitted to charge any fees to a person applying for access to relevant employment proceedings records under the *Freedom of Information Act 1989*.

This entitlement applies to information held by any employer in NSW, regardless of whether the *Freedom of Information Act 1989* applies to them in other circumstances.

An application by a person under the *Freedom of Information Act 1989* must be dealt with by you within 21 days. If you do not deal with the application within 21 days the employee may complain to the NSW Ombudsman.

If you refuse access to information requested in a Freedom of Information application, or refuse to amend records, the applicant can either:

- request you to review the decision through an 'internal review'. However, as an internal review can only be made by a person equal or senior to the person who made the first decision, if that first decision was made by the principal officer of the employer there is no scope for internal review;
- if the internal review is unsuccessful, or unable to occur, request the NSW Ombudsman to review the matter as an 'external review';
- if the external review is unsuccessful, or there is good reason not to undertake one, make an application to the Administrative Decisions Tribunal, which will review the merits of the matter and make a binding decision.

Advice about the operation of the *Freedom of Information Act 1989* may be obtained from the Freedom of Information Unit of the NSW Ombudsman by phoning (02) 9286 1000.

4.6 When can you withdraw a relevant employment proceeding notification?

If you have notified the Commission for Children and Young People about a relevant employment proceeding and later decide it is not a relevant employment proceeding, or if the notification was made in error, you must write to the Commission to request that the notification be removed.

If an employee believes they have been wrongly notified to the Commission for Children and Young People, they should take this matter up with the employer, as the decision to withdraw a notification rests with the employer.

4.7 How can the categories of relevant employment proceedings be reviewed?

The Commission for Children and Young People can reclassify categories in certain circumstances:

- on request by employers if sufficient evidence is provided;
- or where further notifications are made; or
- when Approved Screening Agencies identify categories that require review during the conduct of an estimate of risk. Approved Screening Agencies will refer these to the Commission for Children and Young People for review.

4.7.1 How to request a review of categories by the Commission for Children and Young People

If you have notified a Category Two relevant employment proceeding and believe it should be changed to a Category One, you should write to the Commission for Children and Young People and notify this change of category. The Commission will not undertake a review in this situation.

If you have notified a Category One relevant employment proceeding and have reasonable grounds to believe that it should be reclassified to a Category Two, you should write to the Commission for Children and Young People to request a review of the category.

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In deciding whether to refer a matter to the Commission for Children and Young People for review, you should consider:

- the circumstances surrounding the conduct;
- the nature and seriousness of the employee's behaviour; and
- the nature and seriousness of any disciplinary action taken.

When a request is received, the Commission will review the matter and determine whether it should be reclassified.

4.7.2 Review of notifications by the Commission for Children and Young People

The Commission for Children and Young People will review Category Two matters to determine whether they should be moved to Category One or updated where:

- there is a further notification of a Category Two employment proceeding; or
- the matter is referred from an Approved Screening Agency while undertaking an estimate of risk.

The Commission for Children and Young People will also review Category One matters to determine whether they should be moved to Category Two or updated where the matter is referred from an Approved Screening Agency while undertaking an estimate of risk.

To conduct these reviews, the Commission for Children and Young People may request additional details of those proceedings from you and the employee. This review process will consider such criteria as:

- the type and severity of the matters;
- whether the matters indicate a pattern of behaviour that is of concern; and
- other relevant records held on the person.

Any person subject to a relevant employment proceeding which is transferred between categories or updated will be notified by the Commission for Children and Young People.

The Commission for Children and Young People will also notify the employer who provided the original notification.

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5.1 What are other employment screening options?

You can find out more about a preferred applicant by conducting thorough reference checks with people who have worked with them before, or who know them well. Further information on conducting reference checks is available in the Commission for Children and Young People's Child-safe Child-friendly resources at www.kids.nsw.gov.au/safefriendly.

People who are not in child-related employment can apply for a National Criminal History Record Check through NSW Police on a fee-for-service basis. You should advise the person to go to their local Police Station if they wish to make an application.

People who are in child-related employment, but are not eligible for the Working With Children background check, can apply to NSW Police for access to their personal information, including NSW criminal records, under the *Freedom of Information Act 1989*. Further information is available from the NSW Police website at www.police.nsw.gov.au.

5.2 Maintaining confidentiality

You must keep all information regarding the Working With Children Check confidential.

Any information you obtain should only be provided to people who are authorised to see such information, and only if they need to see it.

It is an offence to disclose information obtained as part of the Working With Children Check, except in specified circumstances. For more information on the offences and penalties, go to [What are the offences and penalties? \(section 5.3\)](#).

In addition, all NSW public sector agencies, including local government organisations, are required to treat personal information in accordance with the information protection principles in *Privacy and Personal Information Protection Act 1998* subject to applicable exemptions.

If you are a non-government organisation, any personal information relating to prohibited persons and Working With Children background checks that you collect and hold should follow the Information Protection Principles in the *Privacy and Personal Information Protection Act 1998*.

These principles relate to:

- the manner and purpose of collecting personal information;
- asking or persuading individuals to provide personal information;
- the storage and security of personal information;
- information relating to records kept by the record keeper;
- accessing records containing personal information;
- altering records containing personal information;
- checking the accuracy, etc of personal information before use;
- limits on use of personal information; and
- limits on disclosure of personal information.

You will find more information about these principles from Privacy NSW (Office of the Privacy Commissioner) at www.lawlink.nsw.gov.au/pc.

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If a person feels that their privacy has been breached they should complain to the employer first. If they are not satisfied with the employer's response they can make a complaint to Privacy NSW or the Office of the Federal Privacy Commissioner, depending on the type of employer they are making the complaint about. More information on how to make a complaint regarding breach of privacy is available from Privacy NSW. Telephone (02) 9228 8585 or website at www.lawlink.nsw.gov.au/lawlink/privacynsw/ll_pnsw.nsf/pages/PNSW_index.

5.3 What are the offences and penalties?

Proceedings can be brought against a person at any time for up to two years after any of the following offences are committed under the *Commission for Children and Young People Act 1998*:

- a prohibited person applying for, undertaking or remaining in child-related employment;
- engaging anyone in child-related employment without requiring them to disclose whether they are a prohibited person;
- not undertaking the Working With Children background check as required under the *Commission for Children and Young People Act 1998*;
- failing to notify the Commission for Children and Young People of a rejected applicant for child-related employment;
- failing to notify the Commission for Children and Young People of a relevant employment proceeding;
- breaching confidentiality; and
- failing to produce information when requested by the Commission for Children and Young People.

5.3.1 Prohibited persons

It is an offence for prohibited persons to apply for or otherwise attempt to obtain, undertake or remain in child-related employment. A person found guilty of any of these offences may be imprisoned for two years and/or fined.

It is an offence to engage anyone in child-related employment without requiring them to disclose whether they are a prohibited person. It is also an offence to employ, or continue to employ a person you know is a prohibited person, in child-related employment. A person or corporation found guilty of any of these offences may be fined.

However, it is not an offence for a person employed in child-related employment before 2 January 2007 who had previously been convicted of a child-related personal violence offence to remain in that employment. It is also not an offence for you to continue to employ such a person.

It is an offence to knowingly make a false statement in response to a request relating to a person's status as a prohibited person. A person found guilty of this offence may be imprisoned for 12 months and/or fined.

For further information on prohibited persons go to *Prohibited persons* (section 3.2).

5.3.2 Not undertaking the Working With Children background check

If you do not undertake the Working With Children background check as required under the *Commission for Children and Young People Act 1998* the Commission for Children and Young People may serve you with an enforcement notice. It is an offence not to comply with the requirements of an enforcement notice without a reasonable excuse. The maximum penalty for not complying is imprisonment for six months and/or a fine.

For further information go to [Do you need to do Working With Children background checks?](#) (section 3.3).

5.3.3 Failing to notify the Commission for Children and Young People of a rejected applicant for child-related employment

If you fail to notify the Commission for Children and Young People of the details of a person whose application for child-related employment has been rejected due to an estimate of risk, the Commission may serve you with an enforcement notice.

It is an offence not to comply with the requirements of an enforcement notice without a reasonable excuse. The maximum penalty for not complying is imprisonment for six months and/or a fine.

For further information go to [When to notify the Commission about your employment decision](#) (section 3.7.5).

5.3.4 Failing to notify the Commission for Children and Young People of a relevant employment proceeding

If you do not notify the Commission for Children and Young People of the name and other relevant identifying particulars of any employee (either paid or unpaid) against whom relevant employment proceedings have been completed since 3 July 1995, you may be served with an enforcement notice.

It is an offence not to comply with the requirements of an enforcement notice without a reasonable excuse. The maximum penalty for not complying is imprisonment for six months and/or a fine.

For further information on your obligations to notify relevant employment proceedings, including matters which do not need to be notified, go to [Relevant employment proceedings](#) (section 4).

5.3.5 Breaching confidentiality

It is an offence to disclose any information obtained as part of the Working With Children Check, unless the disclosure is:

- made in good faith for the purposes of the Working With Children Check; or
- made with the consent of the person to whom the information relates; or
- ordered by a court or other judicial body; or
- made with other lawful excuse, for example, you are compelled to provide information to police for law enforcement purposes.

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It is also an offence to dishonestly obtain confidential information relating to the Working With Children Check.

A person found guilty of any of these offences may be imprisoned for six months and/or fined.

For further information go to [Maintaining confidentiality](#) (section 5.2).

5.3.6 Failing to produce information when requested by the Commission for Children and Young People

The Commission for Children and Young People may issue you with a notice requiring you to provide the Commission with information or documents relating to the Working With Children Check. This information is collected only for the purposes of undertaking an estimate of risk or monitoring and auditing.

It is an offence not to comply with this notice without a reasonable excuse. It is also an offence to knowingly provide the Commission for Children and Young People with information that is false or misleading. A person found guilty of either of these offences may be fined.

5.4 What records are checked in the Working With Children background check?

There are three types of records considered in the Working With Children background check: relevant criminal records, relevant apprehended violence orders (AVOs) and relevant employment proceedings.

5.4.1 Relevant criminal records

A relevant criminal record is a criminal record of a person with respect to a charge or conviction for:

- any sexual offence (including but not limited to, sexual assault, acts of indecency, child pornography, child prostitution and carnal knowledge);
- any assault, ill treatment, neglect of, or psychological harm to, a child;
- any registrable offence;
- offences of attempting, or of conspiracy or incitement, to commit any of the above offences;
- and if any offence above was:
 - committed in New South Wales and was punishable by penal servitude or imprisonment for 12 months or more; or
 - committed elsewhere and would have been an offence punishable by penal servitude or imprisonment for 12 months or more if it had been committed in New South Wales.

A relevant criminal record includes all matters irrespective of whether they are otherwise considered spent and all relevant offences committed as a juvenile.

Relevant criminal records include charges which:

- may have not been heard or finalised by a court; or
- are proven but have not led to a conviction; or
- have been dismissed, withdrawn or discharged by a court.

A relevant criminal record does not include an offence:

- that was a serious sex offence when committed if the conduct constituting the offence has ceased to be an offence in NSW; or
- involving sexual activity or an act of indecency if the conduct occurred in a public place and it *would not* have been an offence in NSW if it did not occur in a public place.

5.4.2 Relevant Apprehended Violence Orders

An Apprehended Violence Order (other than an interim order):

- made by a court under Part 15A of the *Crimes Act 1900*; or
- an external protection order (within the meaning of Part 15A of the *Crimes Act 1900*) which is registered in NSW;

made on the application of a police officer or other public official for the protection of a child (or a child and others).

It does not include orders made before 3 July 1995.

5.4.3 Relevant employment proceedings

Relevant employment proceeding records are findings by an employer that the following conduct occurred or may have occurred:

- reportable conduct - any sexual offence or sexual misconduct, committed against, with or in the presence of a child, including a child pornography offence;
- any child-related personal violence offence:
- any assault, ill treatment or neglect of a child;
- any behaviour that causes psychological harm to a child; or
- an act of violence committed by an employee in the course of employment and in the presence of a child.

5.5 What is reportable conduct and an act of violence for the purposes of relevant employment proceedings?

Reportable conduct includes the following:

5.5.1 Sexual offences

Sexual offences include sexual assault, the involvement of children in sexual acts or acts of indecency and any sexual threat imposed on a child. Sexual assault refers to sexual intercourse by a person with a child.

5.5.2 Sexual misconduct

Sexual misconduct describes a range of behaviours or a pattern of behaviour aimed at the involvement of children in sexual acts. Some of these behaviours may include:

- any sexual relationship with a child;
- inappropriate conversations of a sexual nature;

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- comments that express a desire to act in a sexual manner with individual children or young people;
- unwarranted and inappropriate touching of a child, or in the presence of a child;
- sexual exhibitionism in the presence of a child;
- personal correspondence (including electronic communication) with a child or young person in respect of the adult's sexual feelings for a child or young person;
- deliberate exposure of children and young people to sexual behaviour of others including display of pornography;
- possession of child pornography; and
- patterns of behaviour aimed at engaging or 'grooming' a child as a precursor to sexual abuse.

Sexual misconduct includes '*grooming behaviour*', or patterns of behaviour aimed at engaging or 'grooming' a child as a precursor to sexual abuse. However, such abuse need not have happened for grooming to have occurred. The grooming process can include:

- persuading a child that a 'special' relationship exists – spending inappropriate special time with the child, inappropriately giving gifts, showing special favours to them but not other children, allowing the child to overstep rules, etc.;
- testing of boundaries – undressing in front of the child, allowing the child to sit on the lap, talking about sex, 'accidental' touching of genitals, etc.;
- establishing relationships outside the employment relationship – grooming should not be assumed where such relationships are the result of a relationship established before employment; and/or
- inappropriate personal correspondence, including electronic communication, with a child.

These behaviours may not indicate risk if they occur in isolation, but if there is a pattern of behaviour occurring, it may indicate grooming.

5.5.3 Physical assault

Physical assault must include all three of the following elements:

- it is an act committed on or towards a child; and
- it involves either the application of force to a child or an act that causes a child to think that immediate force will be used on them; and
- it is either hostile or reckless (a reckless act is one where a person would reasonably foresee the likelihood of inflicting injury or fear and ignores the risk).

A child does not have to be physically injured in order for an assault to have taken place. However, a child must be put in fear that they will be harmed as a result of the act.

Assault is a serious matter against a person in child-related employment. Physical contact which is part of a daily work relationship should not automatically be considered to be assault even if there is anger or emotion involved. Shouting at a child would not be considered as assault.

Physical contact which is an inevitable part of everyday life does not amount to assault. Physical assault does not include behaviour that is reasonable for the purposes of discipline, management or care of children, or the use of physical force that is trivial or negligible, but only if the employer is an agency to which Part 3A of the *Ombudsman Act 1974* applies and

the matter is to be investigated and the result of the investigation recorded under workplace employment procedures.

5.5.4 Ill-treatment

Ill-treatment of a child occurs where a child is corrected or disciplined in excess of what is reasonable or appropriate for the situation.

Discipline may be considered excessive if it is a disproportionate response to a child's behaviour. Discipline can be considered inappropriate if it is unsuitable for the child for a specific reason such as the child's age, physical ability, developmental level or if the discipline violates community standards. You should consider whether the treatment may affect the long-term well-being of the child.

For example, locking a child in a cupboard as punishment for talking, or tying a child to a chair because they wandered, are excessive and inappropriate forms of discipline that would be regarded as ill-treatment.

5.5.5 Neglect

Neglect occurs when a child is harmed by the failure to provide basic physical and emotional necessities of life. For example, failure to provide or arrange for adequate and proper food, supervision, nursing, clothing, medical attention or lodging for a child. Generally neglect offences are linked to a person with care responsibilities for a child, such as a foster carer.

Neglect can be ongoing or a single significant incident. However, neglect typically develops as a pattern of behaviour that results in harm to a child over a period of time. For example, accidentally leaving a child locked in a room alone for a short period, and after all standard workplace procedures have been followed, is not considered to be neglect, though it may be inappropriate professional conduct.

When considering whether a child is being, or has been, neglected, it may be useful to focus on the effect on the child. Incidents that do not suggest any impact on the long-term physical, emotional or intellectual well-being of the child are unlikely to constitute neglect.

5.5.6 Behaviour that causes psychological harm

There are three elements in a finding of behaviour that causes psychological harm. There must be:

- significant emotional harm or trauma to a child;
- inappropriate behaviour by the offender; and
- a causal link between the behaviour and the harm.

The consequences of psychological harm are long-term and include feelings of guilt, distress, low self-esteem, depression, self-destructive behaviour and can result in delays to normal development, interpersonal relationships and learning development. Psychological harm is typically characterised by a consistent or repetitive pattern of behaviour by the employee. Isolated or minor incidents generally do not result in significant psychological harm or trauma.

Examples of behaviour that causes psychological harm may include repeated acts that degrade or belittle a child and isolating a child by continually denying them the opportunity to participate or restricting their freedom of movement.

The NSW Ombudsman document *Child Protection in the Workplace: Responding to Allegations Against Employees (June 2004, 3rd edition)* provides further assistance on what constitutes reportable conduct. It is available from the NSW Ombudsman's website at www.ombo.nsw.gov.au.

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5.5.7 What is an 'act of violence'?

For an act of violence to be reportable, it must be an act or series of related acts that:

- involve violent conduct;
- are committed in the course of employment;
- are committed in the presence of a child; and
- result in injury, either physical or emotional, to the child.

An act of violence is not necessarily committed on, or directed at, a child. It also includes violent conduct towards property as well as violent conduct towards persons. For example, where an employee acts with violence towards another adult in the workplace in the presence of a child, this can result in a relevant employment proceeding. However, small and insignificant actions such as throwing a book on the ground or slamming doors do not constitute acts of violence and should not be reported.

A reportable act of violence does not include acts which are trivial or negligible. Some behaviour, such as a one-off incident of an employee hitting a desk in front of a child in anger, may be undesirable in the workplace. However, it does not constitute an act of violence.

In all instances the act of violence must result in injury, either physical or psychological, to the child.

5.6 What does an estimate of risk take into account?

Before proceeding with an estimate of risk the Approved Screening Agency will confirm that the position is child-related employment, the records are relevant, the records belong to the applicant and the applicant is not a prohibited person.

The estimate of risk is based on three components:

- the level of risk inherent in a particular position;
- the level of control an organisation has over its risks; and
- the extent of caution needed in employing a particular individual.

As part of conducting an estimate of risk, a risk assessor will:

- contact the preferred applicant to verify their personal details and confirm that the records relate to them;
- undertake an assessment of the vulnerability of the child(ren), the level of dependency of children on the position holder and the level of supervision provided;
- undertake an assessment of the adequacy of the plan in place to address the risk to children posed by staff; and
- undertake an assessment of a preferred applicant's previous history of relevant offending and/or proceedings.

The estimate of risk is undertaken according to an established framework developed by the Commission for Children and Young People.

5.7 How to make your workplace child-safe and child-friendly

Research shows that in preventing child abuse within workplaces, organisational practices are as important as who is employed.

In recognition of this, the Commission for Children and Young People has created a set of web-based resources to assist employers keep children and young people safe and reduce the risk of abuse.

These resources include templates and checklists on developing policies, codes of conduct, recruitment and selection, induction, supporting staff and managing complaints.

The Child-safe Child-friendly resources are available from the Commission for Children and Young People's website at www.kids.nsw.gov.au/safefriendly.

Through their participation, children and young people can make an important contribution to helping organisations become more child-safe and child-friendly. For more information on getting children and young people involved in your organisation, follow the link to the Commission for Children and Young People's *TAKING PARTicipation seriously* kit at www.kids.nsw.gov.au/publications.

5.8 What you should expect from your Approved Screening Agency

Your Approved Screening Agency will:

- conduct the Working With Children background check;
- undertake an estimate of risk of any preferred applicant whose check has identified a relevant record;
- notify you of the outcome of any estimate of risk conducted;
- provide you with assistance and advice about the Working With Children Check;
- protect the security and confidentiality of all information obtained during the Working With Children Check; and
- carry out internal audits to make sure the Working With Children Check retains its integrity.

Your Approved Screening Agency should carry out the Working With Children background check and estimates of risk in a manner that is:

- timely;
- responsive to your needs; and
- consistent with strict standards of fairness towards the preferred applicant.

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5.9 What you should expect from the Commission for Children and Young People

The Commission for Children and Young People will:

- develop Guidelines for the implementation of the Working With Children Check;
- develop consistent standards for the practices of Approved Screening Agencies for Working With Children background checking;
- develop policies and procedures that support a timely and responsive service;
- coordinate an approach to the Working With Children background check which promotes integrity, consistency and probity;
- monitor and audit the Working With Children Check processes;
- review the Working With Children Check on a regular basis and recommend legislative changes to improve the processes as required;
- respond to issues you may raise in relation to your Approved Screening Agency; and
- maintain relevant employment proceeding and Apprehended Violence Order (AVO) records for the purposes of the Working With Children Check.

5.10 What to do if you have a complaint about service

If you have a complaint about the service provided by your Approved Screening Agency you should first contact the Agency.

If the matter cannot be resolved by the Approved Screening Agency you should contact the Commission for Children and Young People who may be able to assist you. The Commission for Children and Young People has the power to audit and monitor compliance with the Working With Children Check.

If your Approved Screening Agency is the Commission for Children and Young People, you can find out more information about making a complaint to the Commission for Children and Young People at www.kids.nsw.gov.au/about.

All of the Approved Screening Agencies, apart from the Catholic Commission for Employment Relations, are within the jurisdiction of the NSW Ombudsman. The NSW Ombudsman will be able to provide you with further information if you wish to make a complaint. Information on the NSW Ombudsman is available at www.ombo.nsw.gov.au.

5.11 What is the relevant legislation?

5.11.1 **Commission for Children and Young People Act 1998**

This Act establishes the Commission for Children and Young People as an independent organisation with the aim of making NSW a better place for children and young people.

In relation to the Working With Children program, the Commission for Children and Young People's functions include encouraging employers to develop their capacity to be safe and friendly for children, facilitating Working With Children background checking for child-related employment and reviewing the status of Prohibited persons.

5.11.2 **Part 3A of the Ombudsman Act 1974**

Under this part the NSW Ombudsman is to keep under scrutiny the systems for:

- preventing reportable conduct by employees of designated NSW Government agencies, non-government agencies and other public authorities; and
- handling and responding to reportable allegations or convictions involving those employees.

5.11.3 **Child Protection (Offenders Registration) Act 2000**

Under the *Child Protection (Offenders Registration) Act 2000* a person who has been found guilty of a registrable offence against children, as defined by the Act, is known as a "Registrable person". A number of strict reporting obligations and limits are placed on such persons. A Registrable person automatically becomes a Prohibited person under the *Commission for Children and Young People Act 1998*.

5.11.4 **Freedom of Information Act 1989**

This Act gives people the legal right to:

- obtain access to information held as records by NSW Government agencies, Government Ministers, local government and other public bodies;
- request amendments to personal records that are inaccurate; and
- appeal against a decision not to grant access to information or to amend personal records.

The *Commission for Children and Young People Act 1998* expands the coverage of the *Freedom of Information Act 1989* to any employer who has information on relevant employment proceedings.

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5.12 Glossary

Approved Screening Agency: An employer or employer-related body approved by the Minister to carry out all or any of the relevant Working With Children background checking procedures.

Child: A person who is under 18 years of age.

Child-related employment: Child-related employment is employment:

- that primarily involves contact with children; *and*
- that involves direct contact with children; *and*
- where that contact is not directly supervised by a person having the capacity to direct the employee in the course of employment; *and*
- in the specific work settings listed at 1.2.1.

All four criteria must be satisfied for the position to be child-related employment. See [Do you provide child-related employment?](#) (section 1).

Child-related personal violence offence: An offence committed by an adult involving intentionally wounding or causing grievous bodily harm to a child or an offence of attempting, or of conspiracy or incitement, to commit such an offence.

In NSW, a child-related personal violence offence is specifically the offence of:

- maliciously wounding or inflicting grievous bodily harm to a child; or
- maliciously shooting at, or discharging any kind of loaded arms at a child;
 - with the intent to do grievous bodily harm to a child, or resist, or prevent arrest.

It does not include an offence committed by an adult who is less than three years older than the child concerned.

Conviction: A charge proven in court and recorded as such, including a finding that the charge for an offence is proven, or that a person is guilty of an offence, even though the court does not proceed to a conviction.

Employee: Any person who is engaged in employment.

Employer: A person who:

- in the course of business, arranges for the placement of a person in employment with others; or
- engages a person under a contract to perform work.

Employer-related body: Any body which supervises, represents or has other functions with respect to an employer for the purposes of Working With Children background checks.

Employment:

- performance of work under a contract of employment; or
- performance of work as a self-employed person; or
- performance of work as a subcontractor; or

- performance of work as a volunteer for an organisation; or
- undertaking practical training as part of an educational or vocational course; or
- performance of work as a minister, priest, rabbi, mufti or other like religious leader or spiritual officer of a religion or other member of a religious organisation; or
- performance of the duties of an authorised carer within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*.

Employment screening: Screening a preferred applicant as part of employment. This may involve interviews, reference checks, the Working With Children background check and other criminal records checks where available.

Enforcement notice: A notice issued by the Commission for Children and Young People to an employer for failure to comply with requirements to undertake the Working With Children background check, notify the Commission of rejected applicants or notify the Commission of relevant employment proceedings.

The notice contains:

- the reasons why you've received it;
- what you must do; and
- the period of time you have to demonstrate that you've met your obligations. By law, this period cannot be less than 28 days.

Estimate of risk: The process of analysing information gathered through Working With Children background checking to estimate the level of risk a person in child-related employment may pose to children in the workplace. Employers are provided with the outcome of an estimate of risk in the *Advice to employers – results of background check* letter.

Neglect: Neglect occurs when a child is harmed by the failure to provide basic physical and emotional necessities of life. For example, failure to provide or arrange for adequate and proper food, supervision, nursing, clothing, medical attention or lodging for a child. Generally neglect offences are linked to a person with care responsibilities for a child, such as a foster carer.

Neglect can be ongoing or a single significant incident. However, neglect typically develops as a pattern of behaviour that results in harm to a child over a period of time. For example, accidentally leaving a child locked in a room alone for a short period, and after all standard workplace procedures have been followed, is not considered to be neglect, though it may be inappropriate professional conduct.

When considering whether a child is being, or has been, neglected, it may be useful to focus on the effect on the child. Incidents that do not suggest any impact on the long-term physical, emotional or intellectual well-being of the child are unlikely to constitute neglect.

Paid: A reference to paid includes any person who receives a salary or remuneration such as cash or fee for the performance of work, but does not include reimbursement of 'out-of-pocket' expenses, receipt of 'in kind' or similar benefits.

Physical assault: Physical assault must include all three of the following elements:

- It is an act committed on or towards a child; and
- It involves either the application of force to a child or an act that causes a child to think that immediate force will be used on them; and
- It is either hostile or reckless (a reckless act is one where the person would reasonably foresee the likelihood of inflicting injury or fear and ignores the risk).

Actual physical harm does not have to occur in order for an assault to have taken place, i.e. the child does not have to be injured.

Physical contact which is an inevitable part of everyday life does not amount to an assault.

Prohibited person: A person convicted of a serious sex offence, the murder of a child, a child-related personal violence offence, or a Registrable Person, other than where there is an order in force declaring that Division 2, Part 7 of the *Commission for Children and Young People Act 1998* does not apply to the person in respect of the offence.

(Behaviour that causes) psychological harm: Inappropriate behaviour that results in significant emotional harm or trauma to a child. There needs to be a causal link between the inappropriate behaviour and the harm.

Registrable offence: Any of the following offences against a child:

- murder;
- sexual offences;
- indecency offences punishable by imprisonment of 12 months or more;
- kidnapping (unless the offender is or has been the child's parent or carer);
- offences connected with child prostitution; or
- possession or publication of child pornography.

Registrable person: A person who has been found guilty of a registrable offence against children under the *Child Protection (Offenders Registration) Act 2000*.

Relevant record: Relevant records include Relevant criminal records, Relevant Apprehended Violence Orders and Relevant employment proceedings.

Serious sex offence:

- an offence, involving sexual activity or acts of indecency, committed in New South Wales and that was punishable by penal servitude or imprisonment for 12 months or more; or
- an offence, involving sexual activity or acts of indecency, committed elsewhere and that would have been an offence punishable by penal servitude or imprisonment for 12 months or more, if it had been committed in New South Wales; or
- an offence under section 80D or 80E (sexual servitude) of the *Crimes Act 1900*, committed against a child; or

- an offence under Sections 91D-91G (child prostitution, other than if committed by a child prostitute) of the *Crimes Act 1900* or a similar offence under a law other than a law of New South Wales; or
- an offence under Section 91H, 578B or 578C (2A) (child pornography) of the *Crimes Act 1900* or a similar offence under a law other than a law of New South Wales; or
- an offence of attempting, or of conspiracy or incitement, to commit an offence referred to in the preceding paragraphs; or
- any other offence, whether under the law of New South Wales or elsewhere, prescribed by the regulations.

Offences that are no longer offences in New South Wales are not included.

Offences involving sexual activity or an act of indecency are excluded if the conduct constituting the offence occurred in a public place and would not have constituted an offence in New South Wales if the place were not a public place.

Sexual offences: Sexual offences include sexual assault, the involvement of children in sexual acts or acts of indecency and any sexual threat imposed on a child. Sexual assault refers to sexual intercourse by a person with a child.

Short-term employee: A person employed for a period of less than six months.

Spent conviction: Those offences included on a person's criminal record which, because of the passage of time and legislative preconditions having been met, are no longer to be considered in any administrative decision making.

Sexual offences and child-related personal violence offences can never be "spent" for the purposes of the Working With Children Check.

Unpaid: Work for which payment, including fee or similar remuneration, is not made, for example a volunteer.

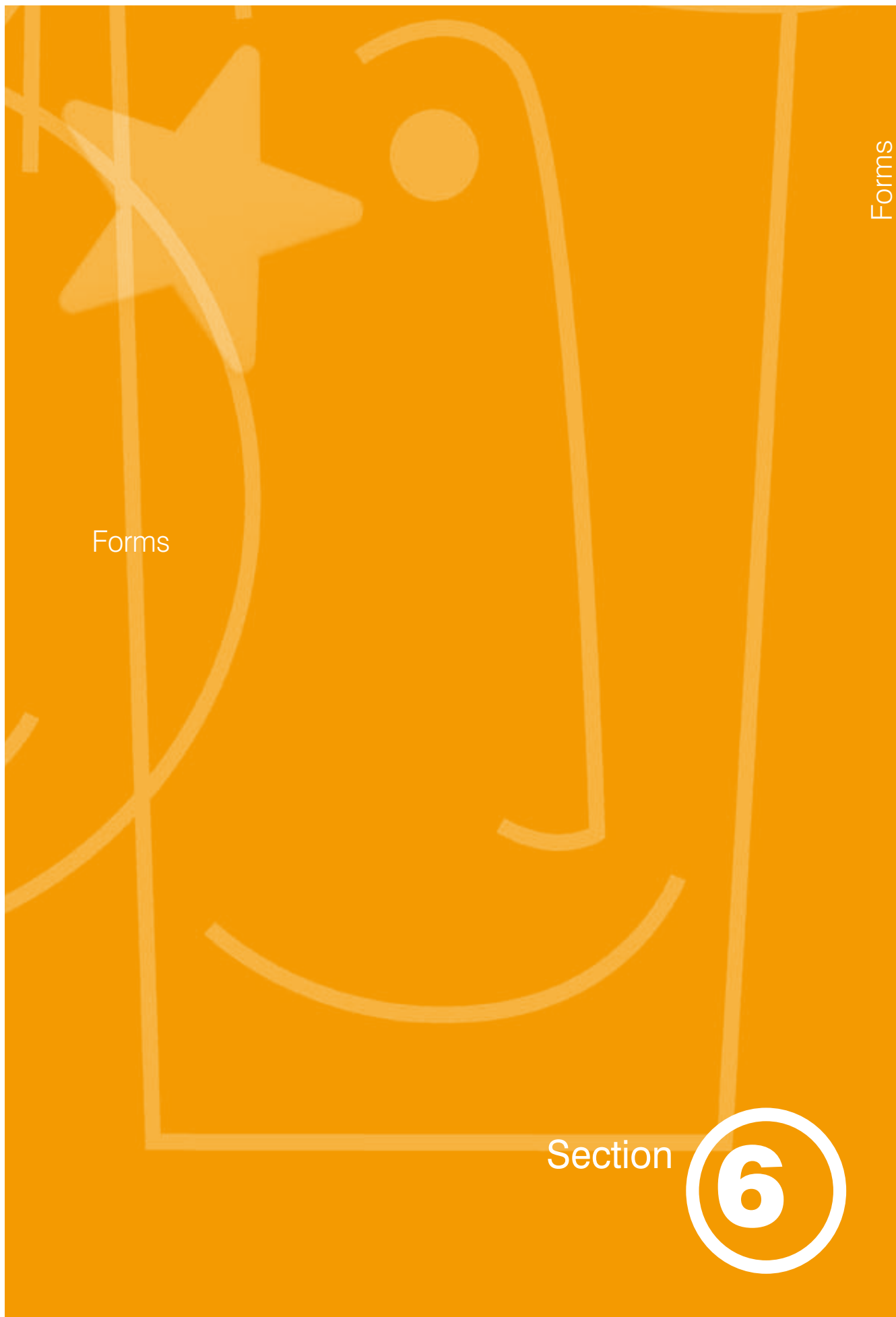
Working With Children background check: The process of gathering and assessing relevant information about a preferred applicant for child-related employment to assist employers make an informed decision on whether or not to employ an applicant for a position. For further information go to [How to obtain a Working With Children background check](#) (section 3.5).

Working With Children Check: The Working With Children Check consists of two parts, the Working With Children background check and exclusion of prohibited persons.

Working With Children Program: The Working With Children Program consists of three key strategies:

- exclusion of prohibited persons;
- Working With Children background check; and
- developing child-safe and child-friendly organisations.

For further information go to [New South Wales Working With Children program](#) (page 2).



Forms

Forms

Section

6

ATTACHMENT 1

6.1 EMPLOYER REGISTRATION

I certify that I am an employer who engages people, on a paid and/or voluntary basis, in child-related employment as defined in the Commission for Children and Young People Act 1998.



I am aware of my obligations as an employer under the Commission for Children and Young People Act 1998.

I acknowledge that the registration details I provide may be collected by, used by and/or disclosed to the Commission for Children and Young People or any Approved Screening Agency for the purposes of the Working With Children Check.

I consent to the registration details I provide being used by the Commission for Children and Young People and/or any Approved Screening Agency to send me updates with regard to the Working With Children Check.

All fields must be completed to be registered. Please use block letters.

Name: _____

Signature: _____

Position: _____ Date: _____

Working With Children background checks are conducted by the Approved Screening Agencies listed below. Please select the Approved Screening Agency which best represents the industry in which you operate. You should contact the Commission for Children and Young People if you cannot identify the appropriate Approved Screening Agency.

- Commission for Children and Young People Fax 9286 7201
- NSW Department of Education and Training Fax 9836 9222
- NSW Department of Health Fax 9391 9795
- NSW Department of Arts, Sport and Recreation Fax 9006 3900
- Catholic Commission for Employment Relations Fax 9267 9303

EMPLOYER REGISTRATION DETAILS

Australian business number (ABN): _____

Employer name: _____

Postal address: _____

Town/suburb: _____ State: _____ Postcode: _____

RELEVANT CONTACT PERSON

Title (Mr/Mrs/Ms/Miss/Dr etc): _____ Given name (s) _____

Family name: _____

Position: _____

Telephone number: _____ Fax number: _____

Contact Email: _____

Additional authorised persons:

NAME (title, given name(s), surname)	POSITION	SIGNATURE

The information provided may be used for monitoring and auditing compliance with the procedures and standards for the Working With Children Check in accordance with Section 36(1)(f) of the *Commission for Children and Young People Act 1998*.

NOTE: This form is to be sent to the Approved Screening Agency you have identified above. No cover sheet is required.

ATTACHMENT 2

**6.2 AMENDMENT TO
EMPLOYER REGISTRATION DETAILS**



Please use block letters.

Employer name: _____

Employer ID number: _____

Australian Business Number (ABN): _____

I request that the following changes be made to my employer registration details.

Please tick the relevant box to indicate the changes required and print in block letters the details to be changed.

NEW DETAILS

Employer name: _____

Address: _____

Telephone number: _____

Fax number: _____

Contact Email: _____

Change of ownership. *Please provide a copy of the first page of the contract transferring ownership:*

Closure of business (date): _____

Delete authorised person/s (list name/s): _____

Add authorised person/s below

NAME	POSITION	SIGNATURE

Name: _____

Signature: _____

Position: _____ Date: _____

This information may be used for monitoring and auditing compliance with the procedures and standards for the Working With Children Check in accordance with Section 36(1)(f) of the *Commission for Children and Young People Act 1998*.

NOTE: This form is to be sent to the relevant Approved Screening Agency. No cover sheet is required.

APPROVED SCREENING AGENCY CONTACTS

- Commission for Children and Young People Fax 9286 7201
- NSW Department of Education and Training Fax 9836 9222
- NSW Department of Health Fax 9391 9795
- NSW Department of Arts, Sport and Recreation Fax 9006 3900
- Catholic Commission for Employment Relations Fax 9267 9303

ATTACHMENT 3

6.3 IS THE POSITION CHILD-RELATED EMPLOYMENT?

Title of the position: _____

Date: _____

PART 1: IS THIS POSITION CHILD-RELATED EMPLOYMENT?**1. Does the position involve any of the following? (tick all that apply):**

- work under a contract of employment
- work as a self-employed person or as a subcontractor
- work as a volunteer for an organisation
- undertaking practical training as part of an educational or vocational course
- work as a minister, priest, rabbi, mufti or other like religious leader or spiritual officer of a religion or other member of a religious organisation
- duties of an authorised carer

*If no box is checked this position is not child-related employment and you do not need to proceed further.
If you have checked any box proceed to question 2.*

2. Does the position fit within any of the following work settings? (tick all that apply):

- involving the provision of child protection services
- in pre-schools, kindergartens and child care centres (including residential child care centres)
- in schools or other educational institutions (not being universities)
- in detention centres (within the meaning of the *Children (Detention Centres) Act 1987*)
- in refuges used by children
- in wards of public or private hospitals in which children are patients
- in clubs, associations, movements, societies, institutions or other bodies (including bodies of a cultural, recreational or sporting nature) having a significant child membership or involvement
- in any religious organisation
- in entertainment venues where the clientele is primarily children
- as a babysitter or childminder that is arranged by a commercial agency
- involving fostering or other child care
- involving regular provision of taxi services for the transport of children with a disability
- involving the private tuition of children
- involving the direct provision of child health services
- involving the provision of counselling or other support services for children
- on school buses
- at overnight camps for children

*If no box is checked this position is not child-related employment and you do not need to proceed further.
If you have checked any box proceed to question 3.*

ATTACHMENT 3 (CONTINUED)

3. Does the position primarily involve contact with children?

Examples: The position of a school bus driver primarily involves contact with children as it is an essential requirement of the position that the driver transports children between their homes and school. The position of an electrician working in a school does not primarily involve contact with children, as it is not an essential requirement of the position that the electrician has contact with children.



Yes

No

If "No" is checked this position is not child-related and you do not need to proceed further. If you have checked "Yes" proceed to question 4.

4. Does the position involve direct contact with children?

Direct contact means face to face contact. Examples: A school bus driver has direct contact with children. A telephone-based youth counsellor does not have direct contact with children.

Yes

No

If "No" is checked this position is not child-related employment and you do not need to proceed further. If you have checked "Yes" proceed to question 5.

5. How frequently does the person working in this position operate in the view of an adult who has the authority to direct them?

Always

Never, or infrequently or intermittently

If "Always" is checked this position is not child-related employment and you do not need to proceed further.

If you have checked "Never, or infrequently or intermittently" then the position is child-related employment. The preferred applicant must complete a Prohibited Employment Declaration and you need to complete the question in Part 2 below to determine if a request for a background check is also required à

Note that preferred applicants who are related (i.e. all the children with whom the person will have contact are related to the person, or are related to the employer and the person is related to the employer) are exempt from these requirements.

PART 2: DO YOU NEED TO REQUEST A BACKGROUND CHECK**6. Does the position involve any of the following (tick all that apply):**

paid employment

employment as a minister, priest, rabbi, mufti or other like religious leader or spiritual official of a religion

duties involving the fostering of children

If no box is checked this position does not require a background check and you do not need to proceed further. However, because the position is child-related employment you are encouraged to assess the level of risk associated with the position as this may help you evaluate your risk management planning and practice associated with it. A tool to help you do this can be found at www.kids.nsw.gov.au/check.

ATTACHMENT 4

6.4 PROHIBITED EMPLOYMENT DECLARATION

The *Commission for Children and Young People Act 1998* makes it an offence for a prohibited person (a person convicted of a serious sex offence, the murder of a child or a child-related personal violence offence, as well as a Registrable person under the *Child Protection (Offenders Registration) Act 2000*) to apply for or otherwise attempt to obtain, undertake or remain in, child-related employment. It does not apply if an order from the Industrial Relations Commission, Administrative Decisions Tribunal or Commission for Children and Young People, declares that the Act does not apply to a person in respect of a specific offence.



For further information on what is child-related employment see the *Working With Children Employer Guidelines*.

Section 33B of the *Commission for Children and Young People Act 1998* defines a serious sex offence as:

- an offence, involving sexual activity or acts of indecency, committed in New South Wales and that was punishable by penal servitude or imprisonment for 12 months or more; or
- an offence, involving sexual activity or acts of indecency, committed elsewhere and that would have been an offence punishable by penal servitude or imprisonment for 12 months or more, if it had been committed in New South Wales; or
- an offence under section 80D or 80E (sexual servitude) of the *Crimes Act 1900*, committed against a child; or
- an offence under Sections 91D-91G (child prostitution, other than if committed by a child prostitute) of the *Crimes Act 1900* or a similar offence under a law other than a law of New South Wales; or
- an offence under Section 91H, 578B or 578C (2A) (child pornography) of the *Crimes Act 1900* or a similar offence under a law other than a law of New South Wales; or
- an offence of attempting, or of conspiracy or incitement, to commit an offence referred to in the preceding paragraphs; or
- any other offence, whether under the law of New South Wales or elsewhere, prescribed by the regulations.

NOTE: A conviction for carnal knowledge is classified as a serious sex offence under this legislation.

Section 33B of the *Commission for Children and Young People Act 1998* defines a child-related personal violence offence as an offence committed by an adult:

- involving intentionally wounding or causing grievous bodily harm to a child; or
- of attempting, or of conspiracy or incitement, to commit such an offence.

Under *Commission for Children and Young People Act 1998*:

- it is an offence for a prohibited person to apply for or otherwise attempt to obtain, undertake or remain in child related employment;
- employers must ask existing employees, both paid and unpaid, and preferred applicants for child-related employment to declare if they are a prohibited person or not;
- all people in child-related employment must inform their employers if they are a prohibited person or remove themselves from child-related employment; and
- penalties are imposed for non compliance.

ATTACHMENT 4 (CONTINUED)

I am aware that I am ineligible to apply for or otherwise attempt to obtain, undertake or remain in, child-related employment if I have been convicted of a serious sex offence or child-related personal violence offence as defined in the *Commission for Children and Young People Act 1998*, or if I am a Registrable Person under the *Child Protection (Offenders Registration) Act 2000*.



I have read and understood the above information in relation to the *Commission for Children and Young People Act 1998*. I am aware that it is an offence to make a false statement on this form.

I consent to a check of my relevant criminal records, to verify the statements I have made here, being undertaken by the NSW Commission for Children and Young People for monitoring and auditing purposes in accordance with Section 36 (1)(f) of the *Commission for Children and Young People Act 1998*.

I declare that I am not a person prohibited by the Act from seeking, obtaining, undertaking or remaining in child related employment.

I understand that this information may be referred to the Commission for Children and Young People and/or to NSW Police for law enforcement purposes and for monitoring and auditing compliance with the procedures and standards for the Working With Children Check in accordance with Section 36 (1)(f) of the *Commission for Children and Young People Act 1998*.

All fields must be completed. Please use block letters.

Name: _____

Aliases (previous/other names): _____

Date of birth: _____

Signature: _____

Date: _____ Contact telephone number: _____

Contact Email: _____

NOTE: Seek legal advice if you are unsure of your status as a prohibited person.

THIS FORM IS TO BE RETURNED TO YOUR EMPLOYER

ATTACHMENT 5

**6.5 WORKING WITH CHILDREN BACKGROUND
CHECK CONSENT**

All fields must be completed. Please use block letters.

Family name: _____

Given name(s): _____

Previous names/aliases: _____

Date of birth: _____ Gender: (Please tick) Male Female

Place of birth (city, state, country): _____

Identifying document type (e.g. driver's licence/passport): _____

Identifying document number: _____

Address: _____

Suburb/Town: _____ State: _____ Postcode: _____

Contact telephone number: _____ Contact Email: _____

Title of position applied for: _____

Type of position (Please tick):

Paid employee Religious leader/spiritual official of a religion Foster carer

I certify that the above information is accurate and understand that if I have provided false or misleading information it may result in a decision not to employ me, or, if already employed, may lead to my dismissal.

I am aware that if considered for child-related employment, several checks will be undertaken to ascertain my suitability, including:

1. a national criminal record check for charges and/or convictions (including spent convictions) for:

- any sexual offence (including but not limited to, sexual assault, acts of indecency, child pornography, child prostitution and carnal knowledge);
- any child-related personal violence offence;
- any assault, ill treatment or neglect of, or psychological harm to a child and any registrable offence;

punishable by imprisonment for 12 months or more.

I understand that this check includes convictions or charges that:

- may have not been heard or finalised by a court; or
- are proven but have not led to a conviction; or
- have been dismissed, withdrawn or discharged by a court.

ATTACHMENT 5 (CONTINUED)

2. a check for relevant Apprehended Violence Orders taken out by a police officer or other public official for the protection of a child/ren; and
3. a check for relevant employment proceedings involving an act of violence committed in the course of employment and in the presence of children or reportable conduct. Reportable conduct means any sexual offence, or sexual misconduct committed against, with or in the presence of a child (including a child pornography offence), any child-related personal violence offence, or any assault, ill treatment or neglect of a child, or any behaviour that causes psychological harm to a child.



I understand that a conviction for a serious sex offence (including but not limited to, sexual assault, acts of indecency, child pornography, child prostitution and carnal knowledge) or child-related personal violence offence (including but not limited to, intentionally wounding or causing grievous bodily harm to a child) will automatically prohibit me from child-related employment. This includes a charge that is proven in court but does not proceed to a conviction. I am aware that if I am a Registrable person under the Child Protection (Registrable Offenders) Act 2000, I am prohibited from child-related employment.

I consent to these checks being conducted and am aware that if any relevant record is identified, additional information relating to that record may be sought by an Approved Screening Agency from sources such as courts, police, prosecutors and past employers to enable a full and informed estimate of risk.

I acknowledge that:

- the above information and any information obtained during the Working With Children background check may be collected and used by and/or disclosed to the Commission for Children and Young People or any Approved Screening Agency for the purposes of the Working With Children Check;
- the Commission for Children and Young People or any Approved Screening Agency may share the information obtained during the Working With Children background check with each other to support further estimates of risk arising from additional Working With Children background checks;
- the outcome of an estimate of risk conducted with information obtained through the Working with Children Check by the Approved Screening Agency may be provided to my current or prospective employers or an employer-related body (where applicable) only for background checking purposes;
- details of my relevant records will not be released to my current or prospective employers;
- any information obtained as part of this process may be used by Australian Police Services for law enforcement purposes, including the investigation of any outstanding criminal offences; and
- the information provided may be referred to the Commission for Children and Young People and/or to NSW Police for law enforcement purposes and for monitoring and auditing compliance with the procedures and standards for the Working With Children Check in accordance with Section 36 (1)(f) of the Commission for Children and Young People Act 1998.

Name: _____

Signature: _____ Date: _____

NOTE: This form is to be kept by the employer.

ATTACHMENT 6

6.6 WORKING WITH CHILDREN BACKGROUND CHECK REQUEST

I certify that (please tick):

- I am a representative of the employer engaging the individual(s) listed below and have the authority to submit their name and details to the certified Approved Screening Agency, with which my organisation is registered, for the Working With Children background check;
- I have completed the form, *Is the position child-related employment?*, for the position(s) listed below and have determined that a background check is required;
- information in relation to the background checking process has been provided to all individuals whose names are submitted;
- all individuals have consented to these checks using the Working With Children Background Check consent form;
- I have verified the identity of all individuals whose names are submitted for background checking as required by the 100 point check and retained copies of identification documents for my records. (*The Working With Children Guidelines* provide information on how to accurately identify preferred applicants); and
- this request is made only for preferred applicants to a position that I am seeking to fill.

Name: _____

Signature: _____

Position: _____ Date: _____

All fields must be completed for the check to be processed. Please use block letters.

EMPLOYER DETAILS

Employer name: _____

Employer ID number: _____ ABN: _____

Relevant contact person: _____

Telephone number: _____ Fax number: _____

Contact Email: _____

Number of requests: _____ Total number of pages: _____

This information may be used for monitoring and auditing compliance with procedures and standards for the Working With Children Check in accordance with Section 36(1)(f) of the *Commission for Children and Young People Act 1998*.

NOTE: This form is to be sent to your Approved Screening Agency.

Page: ___ of _____

ATTACHMENT 6 (CONTINUED)

DETAILS OF INDIVIDUALS TO BE CHECKED Please use block letters.



Family name: _____
 Given name(s): _____
 Previous names/aliases: _____
 Date of birth: _____ Gender: (Please tick) Male Female
 Place of birth (city, state, country): _____
 Identifying document type (e.g. driver's licence/passport): _____
 Identifying document number: _____
 Address: _____
 Suburb/Town: _____ State: _____ Postcode: _____
 Contact telephone number: _____ Contact email: _____
 Title of position applied for: _____
 Short-term employee (i.e. being employed for a period of less than six months): (Please tick) Yes No
 Type of position (Please tick):
 Paid employee Religious leader/spiritual official of a religion Foster carer

Family name: _____
 Given name(s): _____
 Previous names/aliases: _____
 Date of birth: _____ Gender: (Please tick) Male Female
 Place of birth (city, state, country): _____
 Identifying document type (e.g. driver's licence/passport): _____
 Identifying document number: _____
 Address: _____
 Suburb/Town: _____ State: _____ Postcode: _____
 Contact telephone number: _____ Contact email: _____
 Title of position applied for: _____
 Short-term employee (i.e. being employed for a period of less than six months): (Please tick) Yes No
 Type of position (Please tick):
 Paid employee Religious leader/spiritual official of a religion Foster carer

This information may be used for monitoring and auditing compliance with procedures and standards for the Working With Children Check in accordance with Section 36(1)(f) of the *Commission for Children and Young People Act 1998*.

Page: ____ of ____

ATTACHMENT 7

6.7 EMPLOYMENT DECISION NOTIFICATION

All fields must be completed. Please use block letters.

APPLICANT DETAILS

Family name: _____

Given name(s): _____

Previous names/aliases: _____

Date of birth: _____ Gender: (Please tick) Male Female

Type of position (Please tick):

Paid employee Religious leader/spiritual official of a religion Foster carer

Title of position applied for: _____

Date applicant was rejected for child-related employment: _____

EMPLOYER DETAILS

Employer name: _____

Employer ID number: _____

Address: _____

Suburb/Town: _____ State: _____ Postcode: _____

Telephone number: _____ Fax number: _____

Relevant contact person: _____

Contact Email: _____

Position of relevant contact person: _____

I certify that the above details are correct and that I am providing this information in accordance with Section 40 of the *Commission for Children and Young People Act 1998*. I have the authority of the organisation to submit these details to the Commission for Children and Young People.

Name: _____

Position: _____

Signature: _____ Date: _____

NOTE: This form is to be sent to the Commission for Children and Young People.

ATTACHMENT 8

**6.8 RELEVANT EMPLOYMENT PROCEEDINGS
NOTIFICATION**

All fields must be completed. Please use block letters.

EMPLOYEE DETAILS

Family name: _____

Given name(s): _____

Previous names/aliases: _____

Date of birth: _____ Gender: (Please tick) Male Female

Place of birth (city, state, country): _____

EMPLOYER DETAILS

Employer name: _____

Employer ID number: _____

Address: _____

Phone: _____ Fax: _____

Contact Email: _____

Name of relevant contact person: _____

Position of relevant contact person: _____

Date of completion of relevant employment proceedings: _____

Is the above individual currently an employee of your organisation? Yes No

CATEGORY OF RELEVANT EMPLOYMENT PROCEEDING

(Please tick the appropriate box)

This is a Category One proceeding This is a Category Two proceeding

I certify that the above mentioned individual has been the subject of employment proceedings involving an act of violence committed in the course of employment and in the presence of children or reportable conduct and that I have the authority to submit these details to the Commission for Children and Young People for background checking purposes.

I have advised the employee using the *Relevant Employment Proceedings Employee Advisory Letter*.

Name: _____ Position: _____

Signature: _____ Date: _____

This information may be used for monitoring and auditing compliance with the procedures and standards for the Working With Children Check in accordance with Section 36 (1)(f) of the *Commission for Children and Young People Act 1998*.

NOTE: This form is to be sent to the Commission for Children and Young People and is not to be provided to any other person or organisation.

ATTACHMENT 9

**6.9 RELEVANT EMPLOYMENT
PROCEEDINGS SUMMARY**

All fields must be completed. Please use block letters.

EMPLOYEE DETAILS

1. Family name: _____
2. Given name(s): _____
3. Date of birth: _____ 4. Gender: (Please tick) Male Female
5. Title of position: _____
6. Was the person related to any victim(s): Yes No
[Related includes relationships by blood, adoption, marriage or domestic partnership. It also includes a person who has guardianship, parental responsibility or custody of a child.]
7. Was the person a stranger to any victim(s): Yes No
[If the victim was known to the perpetrator more than 24 hours before the offence then that victim is not a stranger.]

INFORMATION ON THE VICTIM(S)

If more than one victim, record separate information for each victim

8. Sex: (Please tick) Male Female
9. Age at the time of incident(s): _____
[If the incident(s) occurred over a period of time, the age of the victim when the incident(s) started]
10. Did the child require any service directly as a result of the incident(s)? Yes No.
 If yes, list the service(s) provided: _____
[Interventions could include medical treatment or counselling]

INFORMATION ON THE INVESTIGATION

11. Date(s) of the incident(s): _____
[If the behaviour occurred over an extended period record the estimated date of commencement and the date this matter was first reported to the employer]
12. What was the nature of the incident(s): _____

[Include if the behaviour was a one off act or a pattern of behaviour; if the behaviour was committed against, with or in the presence of a child; if the behaviour involved violence (threatened or actual)]

ATTACHMENT 9 (CONTINUED)

13. Were there any personal, family or other factors that may have contributed to the employee's behaviour?

[Consider factors such as the employee's alcohol and drug use, emotional state, relationship difficulties, recent changes in their family, access to and use of support from family and friends, attitude to authority, attitude to physical discipline, and culture.]



14. Place(s) where the incident(s) occurred: _____

15. Were any of the place(s) a public place or institution: (Please tick) Yes No

[A public place is defined as an area maintained for or used by the people or community, or any area that is open to the scrutiny of others]

16. Period during which the investigation occurred: _____

17. List all persons interviewed, the title of their position, and the date(s) of the interview(s) held with them

[If children were interviewed record their position title as non-student/student; if parents were interviewed record their position title as parent]

PERSONS INTERVIEWED	TITLE OF POSITION	DATE OF INTERVIEW

18. Position of the person who conducted the investigation: _____

OUTCOME OF THE INVESTIGATION

19. Is there any evidence of a breach of reportable conduct? (Please tick) Yes No

20. Category of relevance for notification (tick all that apply):

Sexual offence/assault

[For this finding a sexual offence against, with or in the presence of a child has occurred, regardless of their consent. It includes the involvement of children in sexual acts or acts of indecency and any sexual threat imposed on a child]

Sexual misconduct

[For this finding you must be able to demonstrate that a behaviour or a pattern of behaviour exists aimed at the involvement of children in sexual acts, this includes grooming behaviour]

Physical assault

[For this finding all the following must be satisfied: it is an act committed on or towards a child; it involves either the application of force to a child or an act that causes a child to think that immediate force will be used on them; and it is either hostile or reckless (a reckless act is one where a person would reasonably foresee the likelihood of inflicting injury or fear and ignores the risk)]

Neglect of a child

[For this finding you must be able to demonstrate that there is some impact on the long-term physical, emotional or intellectual well-being of the child]

ATTACHMENT 9 (CONTINUED)

 Psychological harm to a child

[For this finding all the following must be satisfied: the behaviour resulted in significant emotional harm or trauma to the child; the offender's behaviour was inappropriate; and there is a causal link between the offender's behaviour and the harm to the child]

 Child pornography offence or misconduct

[This includes filming for indecent purposes]

 An act of violence

[For this finding you must be able to demonstrate that an act or series of related acts occurred that: involved violent conduct; it was committed in the course of employment; in the presence of a child; and resulted in injury, either physical or psychological, to the child]

 There is some evidence that reportable conduct or an act of violence has occurred, however the finding is inconclusive or there is insufficient evidence.

Name: _____

Position: _____

Signature: _____

Date: _____

ATTACHMENT 10

6.10 RELEVANT EMPLOYMENT PROCEEDINGS EMPLOYEE ADVISORY LETTER



Dear *(insert employee name)*

Section 39 of the *Commission for Children and Young People Act 1998* requires employers to provide details to the Commission for Children and Young People of any employee, either paid or volunteer, who has been the subject of a relevant employment proceeding.

Under the Act, a relevant employment proceeding means employment proceedings against an employee by the employer that involve:

- reportable conduct by the employee; or
- an act of violence committed by the employee in the course of employment and in the presence of a child.

Your name is being registered with the Commission for Children and Young People in relation to the employment proceeding involving ...

It has been given a Category ... classification.

[Select applicable paragraph from two options below]

(If Category One)

If you are the preferred applicant for a child-related employment position in the future, with this or any other organisation, the nature of this relevant employment proceeding will be taken into consideration during the background checking process to determine your suitability for such employment.

OR

(If Category Two)

If you are the preferred applicant for a child-related employment position in the future, with this or any other organisation, this relevant employment proceeding will not be taken into consideration during the background checking process to determine your suitability for such employment. However, if you are the subject of another relevant employment proceeding, or a have relevant criminal record or relevant Apprehended Violence Order, this employment proceeding may be taken into consideration during the background checking process.

If you do not agree with this notification and wish to dispute it, you should contact *{insert name and contact details of employer's relevant officer}* to discuss this further.

The Commission for Children and Young People does not release details of relevant employment proceedings to future or prospective employers when providing advice to them. The only information held by the Commission for Children and Young People is your name, sex, date and place of birth and the relevant employment proceeding category. Records of the relevant employment proceeding are maintained by *{name of employer}*. If *{name of employer}* closes down, your relevant employment proceeding records will be forwarded to the Commission for Children and Young People. Such records will be kept in a secure place and will be used only for the purposes of the background checking process where relevant.

Your entitlement to access information on relevant employment proceedings

Under the *Freedom of Information Act 1989* you are entitled to access any documents held by *{insert name of employer}* relating to this relevant employment proceeding. You can also request that such documents be amended if you consider them to be incomplete, incorrect, out of date or misleading. There is no fee or charge for making a request for access to, or amendment of, documents.

To access documents, or request amendments, you should *{insert employer's requirements, such as "complete the attached FOI application form" or "write a letter requesting access and listing the documents you wish to access"}*.

ATTACHMENT 10 (CONTINUED)

You should contact *{insert name and contact details of employer's contact person/ FOI officer}* for further information.

If you do not receive a response to your request within 21 days you may complain to the NSW Ombudsman (phone 9286 1000 or 1800 451 524).

If you are refused access to information requested in a FOI application, or refused your requested amendments, you can:

- request that *{insert name of employer}* reviews the decision through an internal review;
- if you are not satisfied with the internal review, or it is unable to occur, request that the NSW Ombudsman reviews the matter;
- if you are not satisfied with the NSW Ombudsman's review, or there is good reason not to request one, make an application to the Administrative Decisions Tribunal, which will consider the merits of the matter and make a binding decision.

Further information about FOI is available from the NSW Ombudsman by telephoning phone 9286 1000 or 1800 451 524 or visiting their website at <http://www.ombo.nsw.gov.au>

Please contact *{insert name and contact details of employer's relevant officer}* if you require any further information on this matter.

Yours sincerely

Name (of Manager/CEO as appropriate)

Position title

Employer organisation name

Date



ATTACHMENT 11

6.11 RELEVANT EMPLOYMENT PROCEEDING RECORDS RELEASE



All fields must be completed. Please use block letters.

EMPLOYER DETAILS

Employer name: _____

Employer ID number: _____

Address: _____

Suburb/Town: _____ State: _____ Postcode: _____

Telephone number: _____ Fax number: _____

Contact Email: _____

Relevant contact person: _____

Position of relevant contact person: _____

I certify that:

I am a representative of the employer named above and have the authority to release the enclosed records relating to relevant employment proceedings to the Commission for Children and Young People;

I consent to the release of the enclosed records relating to relevant employment proceedings to the Commission for Children and Young People; and

I have notified all employees to which the records relate that the records have been forwarded to the Commission for Children and Young People.

Name: _____

Position: _____

Signature: _____ Date: _____

NOTE: This form is to be sent to the Commission for Children and Young People with the employer's relevant employment proceeding records.



TENDERS

Department of Commerce

SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

Information in relation to the Department of Commerce proposed, current and awarded tenders is available on:

<http://www.tenders.nsw.gov.au>

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

COOLAMON SHIRE COUNCIL

Erratum

THE Notice of Compulsory Acquisition of Land published on 20 August 2004, Folio 6667, incorrectly noted that the lands to be acquired were Lots 202 and 203 in Deposited Plan 1012959. This notice declares that the lands to be acquired are Lots 201, 202 and 203 of Deposited Plan 1012959 and replaces the notice published on 20 August 2004. TERREY KISS, General Manager, Coolamon Shire Council, 116 Cowabbie Street, Coolamon NSW 2701, tel.: (02) 6927 3106. [2865]

GREAT LAKES COUNCIL

Roads Act 1993, Section 162
Roads (General) Regulation 2000
Naming of Roads

NOTICE is hereby given that Great Lakes Council, pursuant to the aforementioned Act and Regulation, has named the roads described hereunder. KEITH O'LEARY, General Manager, Great Lakes Council, Breese Parade, Forster NSW 2428.

<i>Description</i>	<i>Name</i>
The newly constructed road located 700m west of Washpool Creek Road/ Moxeys Road intersection.	Lillipilli Close, Booral

[2866]

LAKE MACQUARIE CITY COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991
Notice of Compulsory Acquisition of Land

LAKE MACQUARIE CITY COUNCIL declares with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding any mines or deposits of minerals within the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993. Dated at Speers Point, 29 December 2006. BRIAN BELL, General Manager, Lake Macquarie City Council, Administration Building, Main Road, Speers Point NSW 2284.

SCHEDULE

Lot 101 in Deposited Plan 1086447 [2867]

LAKE MACQUARIE CITY COUNCIL

Roads Act 1993, Section 10
Dedication of Land as Public Road

IN accordance with section 10 of the Roads Act 1993, Lake Macquarie City Council dedicates the land held by it and described in the Schedule below as Public Road. BRIAN BELL, General Manager, Lake Macquarie City Council, Administration Building, Main Road, Speers Point 2284.

SCHEDULE

Lot 101 in Deposited Plan 1086447. [2868]

LIVERPOOL CITY COUNCIL

Liverpool City Council Public Exhibition – Pesticide Use Notification Plan

LIVERPOOL CITY COUNCIL has drafted a Pesticide Use Notification Plan under the Pesticide Regulation 2005. The aim of this plan is to let the community know about pesticide applications made to outdoor public places owned or controlled by Liverpool City Council. Members of the community can then take action to avoid contact with pesticides.

Liverpool City Council is seeking your feedback on the draft plan.

The plan describes:

- * What public places are covered by the plan
- * Who regularly uses these public places and an estimate of the level of use
- * How and when Council will provide the community with information about its pesticide applications in public places (i.e. what notification arrangements will be used)
- * How the community can access the plan and get more information on Council's notification arrangements
- * How future reviews of the plan will be conducted
- * Contact details for anyone wishing to discuss this plan with Council.

The draft plan will be on public exhibition between 3 January 2007 and 14 February 2007. Copies of the draft plan can be obtained from Council's Administration Building (1 Hoxton Park Road, Liverpool), Liverpool libraries, on Council's website www.liverpool.nsw.gov.au or by calling Justine Clarke on (02) 9821 7729 or Joel Daniels on (02) 9821 9671.

Anyone wishing to make comments on the draft plan should direct them to: Liverpool City Council, Attn: Justine Clarke, Locked Bag 7064, Liverpool BC NSW 1871. [2869]

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