

2025

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Disability, Carers and Community Services)

Working with Vulnerable People (Background Checking) Amendment Bill 2025

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Working with Vulnerable People (Background Checking) Amendment Bill 2025

A Bill for

An Act to amend the *Working with Vulnerable People (Background Checking) Act 2011* and the *Working with Vulnerable People (Background Checking) Regulation 2012*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1	Part 1	Preliminary
2	1	Name of Act
3		This Act is the <i>Working with Vulnerable People (Background</i>
4		<i>Checking) Amendment Act 2025</i> .
5	2	Commencement
6		This Act commences on the day after its notification day.
7	<i>Note</i>	The naming and commencement provisions automatically commence on
8		the notification day (see Legislation Act , s 75 (1)).
9	3	Legislation amended
10		This Act amends the <i>Working with Vulnerable People (Background</i>
11		<i>Checking) Act 2011</i> and the <i>Working with Vulnerable People</i>
12		<i>(Background Checking) Regulation 2012</i> .

Part 2 Working with Vulnerable People (Background Checking) Act 2011

4 Application for registration New section 17 (2A)

after the note, insert

(2A) Also, if either of the following apply, a person is not eligible to be registered to engage in a regulated activity involving children:

(a) the person has received a negative notice (however described) for engaging in a regulated activity involving children under a corresponding law;

(b) the person has their registration for engaging in a regulated activity involving children cancelled under a corresponding law.

5 Restriction on reapplying for registration New section 22 (5)

insert

(5) In this section:

cancellation, of registration, includes a cancellation (however described) of registration under a corresponding law.

negative notice includes a negative notice (however described) under a corresponding law.

6 New section 22A*in part 4, insert***22A Exemption from s 17 (2A)—corresponding law inconsistent with territory law**

(1) The commissioner may, on written application by a person (the *applicant*), grant the applicant an exemption from the operation of section 17 (2A) if the commissioner is satisfied on reasonable grounds that—

(a) the applicant was given a negative notice (however described), or the applicant's registration was cancelled, under a corresponding law in relation to engaging in a regulated activity involving children because the applicant has an adult conviction or finding of guilt for an offence; and

(b) the offence is a non-corresponding offence; and

(c) the applicant has demonstrated that because of the operation of section 17 (2A) the negative notice or cancellation results in an adverse effect on the applicant in the ACT, to an extent that is an unreasonable limitation on the applicant's rights under the [Human Rights Act 2004](#).

(2) The application must—

(a) be in writing; and

(b) include any information prescribed by regulation; and

(c) comply with any requirements prescribed by regulation.

Note It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

(3) The commissioner may—

- (a) by written notice, require an applicant to give the commissioner information that the commissioner reasonably needs to decide the application, within a stated time, at a stated place; and
- (b) if the applicant does not comply with a requirement in the notice—refuse to consider the application further.

(4) In this section:

non-corresponding offence means an offence mentioned in a corresponding law—

- (a) for which a conviction or finding of guilt would, under the corresponding law, result in the convicted person not being eligible, or stopping being eligible, to be registered to engage in a regulated activity involving children; and
- (b) that does not substantially correspond to a class A disqualifying offence.

7 Risk assessments

Section 32 (3) (b) and note

substitute

- (b) the commissioner becomes aware the person is not eligible, or stops being eligible, to be registered to engage in the activity under—
 - (i) for an application for registration to engage in either activity—section 17 (2); or
 - (ii) for an application for registration to engage in a regulated activity involving children—section 17 (2A).

Note 1 Under s 17 (2), a person is not eligible to be registered to engage in a regulated activity involving children or an NDIS activity if the person has an adult conviction or finding of guilt for a class A disqualifying offence.

Section 8

1 *Note 2* Under s 17 (2A), a person is not eligible to be registered to engage
2 in a regulated activity involving children if under a corresponding
3 law the person has received a negative notice, or had their
4 registration cancelled, in relation to a regulated activity involving
5 children.

6 **8 Negative notices**
7 **New section 40 (1) (aa)**

8 *after the note, insert*

9 (aa) for an application for registration to engage in a regulated
10 activity involving children—if the commissioner becomes
11 aware the person is not eligible, or stops being eligible, under
12 section 17 (2A) to be registered to engage in the activity; or

13 *Note* Under s 17 (2A), a person is not eligible to be registered to engage
14 in a regulated activity involving children if under a corresponding
15 law the person has received a negative notice, or had their
16 registration cancelled, in relation to a regulated activity involving
17 children.

18 **9 Registration**
19 **Section 41 (2) (b) (iv)**

20 *omit*

21 section 42A (Conditional registration—class A disqualifying
22 offence)

23 *substitute*

24 section 42A (Conditional registration—class A disqualifying offence
25 or negative status under corresponding law)

10 Section 42A*substitute***42A Conditional registration—class A disqualifying offence or negative status under corresponding law**

- (1) A registration of a person who has an adult conviction or finding of guilt for a class A disqualifying offence is automatically subject to the condition that the person must not engage in—

- (a) a regulated activity involving children; or
- (b) an NDIS activity.

Note For a kinship carer, a class A disqualifying offence is taken to be a class B disqualifying offence (see s 11C (2)).

- (2) Also, a registration of a person is automatically subject to the condition that the person must not engage in a regulated activity involving children if the person has—

- (a) received a negative notice (however described) for engaging in a regulated activity involving children under a corresponding law; or
- (b) the person's registration for engaging in a regulated activity involving children is cancelled under a corresponding law.

Note Sections 43 to 46 do not apply to a condition under this section.

11 Section 56A heading*substitute***56A Automatic cancellation—class A disqualifying offence or negative status under corresponding law**

- 1 **12 Section 56A (1) (b) and note**
- 2 *substitute*
- 3 (b) the person is not eligible, or stops being eligible, under
- 4 section 17 (2) or (2A) to be registered to engage in the activity.
- 5 *Note* Under s 17 (2), a person is not eligible to be registered to engage
- 6 in a regulated activity involving children or an NDIS activity if the
- 7 person has an adult conviction or finding of guilt for a class A
- 8 disqualifying offence.
- 9 *Note* Under s 17 (2A), a person is not eligible to be registered to engage
- 10 in a regulated activity involving children if under a corresponding
- 11 law the person has received a negative notice, or had their
- 12 registration cancelled, in relation to a regulated activity involving
- 13 children.
- 14 **13 Regulation-making power**
- 15 **New section 71 (2A)**
- 16 *insert*
- 17 (2A) For the definition of *corresponding law*, paragraph (b), the
- 18 [Legislation Act](#), section 47 (3) and (6) does not apply to a law of
- 19 another jurisdiction prescribed by regulation.
- 20 *Note* A law of another jurisdiction prescribed for def, *corresponding law*,
- 21 par (b), does not need to be notified under the [Legislation Act](#) because
- 22 s 47 (6) does not apply (see [Legislation Act](#), s 47 (7)).

Part 3 Working with Vulnerable People (Background Checking) Regulation 2012

14 New section 4A

insert

4A Application for registration—written statement about applicant status under corresponding law—Act s 18 (2) (d)

For an application for registration to engage in a regulated activity involving children—a written statement about the following matters is prescribed:

- (a) whether the applicant has ever received a negative notice (however described) for engaging in a regulated activity involving children under a corresponding law;
- (b) whether the applicant has ever had their registration for engaging in a regulated activity involving children cancelled under a corresponding law.

15 New section 7

insert

7 Corresponding laws—Act, dict, def *corresponding law*, par (b)

The following laws, as in force from time to time, are prescribed:

- (a) *Child Protection (Working with Children) Act 2012* (NSW);
- (b) *Worker Screening Act 2020* (Vic);
- (c) *Working with Children (Risk Management and Screening) Act 2000* (Qld);

- 1 (d) *Working with Children (Screening) Act 2004* (WA);
 - 2 (e) *Child Safety (Prohibited Persons) Act 2016* (SA);
 - 3 (f) *Registration to Work with Vulnerable People Act 2013* (Tas);
 - 4 (g) *Care and Protection of Children Act 2007* (NT).
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Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2 December 2025.

2 Notification

Notified under the [Legislation Act](#) on 2025.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
