



Australian Capital Territory

# **Working with Vulnerable People (Background Checking) Regulation 2012**

**SL2012-4**

made under the

**Working with Vulnerable People (Background Checking) Act 2011**

**Republication No 3**

**Effective: 1 February 2021 – 6 May 2021**

Republication date: 1 February 2021

Last amendment made by [A2020-29](#)  
(republishing for amendments by [A2019-13](#)  
and [A2020-29](#))

## About this republication

### The republished law

This is a republication of the *Working with Vulnerable People (Background Checking) Regulation 2012*, made under the *Working with Vulnerable People (Background Checking) Act 2011* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 February 2021. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 February 2021.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



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Australian Capital Territory

# Working with Vulnerable People (Background Checking) Regulation 2012

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made under the

**Working with Vulnerable People (Background Checking) Act 2011**

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R3  
01/02/21

Working with Vulnerable People (Background Checking)  
Regulation 2012

page 1

Effective: 01/02/21-06/05/21

**1 Name of regulation**

This regulation is the *Working with Vulnerable People (Background Checking) Regulation 2012*.

**3 Dictionary**

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation.

*Note 2* A definition in the dictionary applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

**4 Notes**

A note included in this regulation is explanatory and is not part of this regulation.

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

**4A People not required to be registered—Act, s 12 (2) (o)**

(1) The following people are prescribed in the circumstances mentioned in subsection (2) (the *relevant circumstances*):

(a) a member of the Australian Defence Force within the meaning of the [Defence Act 1903](#) (Cwlth), section 4 (1);

(b) a public employee;

*Note* **Public employee** means a public servant, a public sector member or a person employed by a territory instrumentality (see [Legislation Act](#), dict, pt 1).

(c) a person who is the equivalent of a public employee in the Commonwealth or a State.

*Note* **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

- (2) The relevant circumstances are that—
- (a) the person is engaging in a regulated activity on behalf of the Territory; and
  - (b) the regulated activity is undertaken for a purpose related to a COVID-19 emergency, whether undertaken during the emergency or after the emergency ends.
- (3) In this section:
- COVID-19 emergency** means—
- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
  - (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).
- (4) This section expires 12 months after the day it commences.

## **5 Role-based registration—information—Act, s 42B (3)**

- (1) The following information is prescribed:
- (a) a statement about the activities the person will be engaged in for the employer;
  - (b) a risk management strategy for the employer.
- (2) In this section:
- risk management strategy**, for an employer, means a document containing the following:
- (a) a statement about the employer’s commitment to the safety and wellbeing of vulnerable people;
  - (b) a code of conduct for people engaged by the employer;

- (c) policies and procedures for handling complaints relating to the treatment of vulnerable people, including guidelines for reporting and handling incidents, disclosures or suspicions of harm caused by a person engaged by the employer to a vulnerable person;
- (d) a policy for disciplining people engaged by the employer who breach the risk management strategy;
- (e) policies and procedures for compliance with the Act, including—
  - (i) implementing and reviewing the risk management strategy; and
  - (ii) keeping written records about each person engaged by the employer;  
**Example—subpar (ii)**  
date of expiry of a person’s role-based registration
- (f) strategies for communication and support, including training materials for people engaged by the employer to—
  - (i) help identify risks of harm to vulnerable people; and
  - (ii) give instructions for how to handle disclosures or suspicions of harm to vulnerable people; and
  - (iii) outline the employer’s risk management strategy.



**6 Obligations of employers in relation to people with role-based registration—Act, s 71 (2) (b)**

- (1) This section applies if—
  - (a) an employer engages a person in a regulated activity; and
  - (b) the person has a role-based registration.
- (2) The employer must give the commissioner written notice of the following:
  - (a) a change in a program or regulated activity in which the person is engaged that is likely to affect the conditions of the person's role-based registration;
  - (b) a change in the information given to the commissioner under the [Act](#), section 42B (3).

## Dictionary

(see s 3)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this regulation.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- document
- must (see s 146).

*Note 3* Terms used in this regulation have the same meaning that they have in the [Working with Vulnerable People \(Background Checking\) Act 2011](#) (see [Legislation Act](#), s 148). For example, the following terms are defined in the [Working with Vulnerable People \(Background Checking\) Act 2011](#), dict:

- commissioner
- employer
- engaged
- registration
- regulated activity (see s 8)
- role-based registration (see s 42B (1))
- vulnerable person (see s 7).

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

#### **Working with Vulnerable People (Background Checking) Regulation 2012 SL2012-4**

notified LR 6 February 2012

s 1, s 2 commenced 6 February 2012 (LA s 75 (1))

remainder commenced 8 November 2012 (s 2 and see [Working with Vulnerable People \(Background Checking\) Act 2011 A2011-44 s 2 \(2\)](#))

as amended by

#### **[Working with Vulnerable People \(Background Checking\) Amendment Act 2019 A2019-13 sch 1 pt 1.3 \(as am by A2020-14 amdt 1.142\)](#)**

notified LR 23 May 2019

s 1, s 2 commenced 23 May 2019 (LA s 75 (1))

sch 1 pt 1.3 commenced 1 February 2021 (s 2 (1) (as am by [A2020-14 amdt 1.142](#)) and [CN2021-1](#))

#### **[Working with Vulnerable People \(Background Checking\) Amendment Regulation 2020 \(No 1\) SL2020-18](#)**

notified LR 5 May 2020

s 1, s 2 commenced 5 May 2020 (LA s 75 (1))

remainder commenced 6 May 2020 (s 2)

#### **[COVID-19 Emergency Response Legislation Amendment Act 2020 A2020-14 amdt 1.142](#)**

notified LR 13 May 2020

s 1, s 2 taken to have commenced 30 March 2020 (LA s 75 (2))

amdt 1.142 commenced 14 May 2020 (s 2 (1))

*Note* This Act only amends the Working with Vulnerable People (Background Checking) Amendment Act 2020 [A2019-13](#).

#### **[Working with Vulnerable People \(Background Checking\) Amendment Act 2020 A2020-29 sch 1 pt 1.5](#)**

notified LR 23 May 2019

s 1, s 2 commenced 23 May 2019 (LA s 75 (1))

sch 1 pt 1.5 commenced 1 February 2021 (s 2 (a) and see [A2019-13 s 2](#) (as am by [A2020-14 amdt 1.142](#)) and [CN2021-1](#))

## 4 Amendment history

### Commencement

s 2 om LA s 89 (4)

### People not required to be registered—Act, s 12 (2) (o)

s 4A ins [SL2020-18](#) s 4  
exp 6 May 2021 (s 4A (4))

### Role-based registration—information—Act, s 42B (3)

s 5 hdg sub [A2020-29](#) amdt 1.20  
s 5 am [A2020-29](#) amdt 1.21, amdt 1.22; pars renum R3 LA

### Obligations of employers in relation to people with role-based registration—Act, s 71 (2) (b)

s 6 am [A2020-29](#) amdt 1.23

### Dictionary

dict am [A2019-13](#) amdt 1.5; [A2020-29](#) amdt 1.24

## Endnotes

### 5 Earlier republications

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#### 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R1 8 Nov 2012	8 Nov 2012– 5 May 2020	not amended	new regulation
R2 6 May 2020	6 May 2020– 31 Jan 2020	<a href="#">SL2020-18</a>	amendments by <a href="#">SL2020-18</a>

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