

TASMANIA

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**REGISTRATION TO WORK WITH VULNERABLE  
PEOPLE (RISK ASSESSMENT FOR CHILD-  
RELATED ACTIVITIES) AMENDMENT ORDER  
2020**

**STATUTORY RULES 2020, No. 100**

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**REGISTRATION TO WORK WITH VULNERABLE  
PEOPLE (RISK ASSESSMENT FOR CHILD-  
RELATED ACTIVITIES) AMENDMENT ORDER  
2020**

I make the following order under section 26 of the *Registration to Work with Vulnerable People Act 2013*.

Dated 22 December 2020.

ELISE ARCHER  
Minister for Justice

**1. Short title**

This order may be cited as the *Registration to Work with Vulnerable People (Risk Assessment for Child-related Activities) Amendment Order 2020*.

**2. Commencement**

This order takes effect on the day on which the last uncommenced provision of the *Registration to Work with Vulnerable People Amendment Act 2019* commences.

**3. Principal Order**

In this order, the *Registration to Work with Vulnerable People (Risk Assessment for Child-*

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*related Activities) Order 2014\** is referred to as  
the Principal Order.

**4. Clause 3 amended (Interpretation)**

Clause 3 of the Principal Order is amended by omitting “to engage in a regulated activity in respect of a child” from the definition of *applicant* and substituting “in the category of registration that is child-related activity”.

**5. Clause 6 amended (Conduct of risk assessments and additional risk assessments)**

Clause 6 of the Principal Order is amended by omitting subclause (2) and substituting the following subclause:

- (2) If the Registrar considers it relevant to do so in relation to a matter that he or she is taking into account in conducting a risk assessment, or an additional risk assessment, the Registrar may consider –
  - (a) the nature, gravity and circumstances of an offence, misconduct, disciplinary proceeding or other relevant information relating to the matter, and how this is relevant to child-related activity; and

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\*S.R. 2014, No. 80

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- (b) the length of time that has passed since the matter occurred; and
  - (c) the vulnerability of the victim at the time of the matter occurring, including –
    - (i) the age of the victim; and
    - (ii) the age difference between the applicant, or registered person, and the victim; and
    - (iii) the applicant's, or registered person's, relationship to the victim or position of authority over the victim at the time of the matter occurring; and
  - (d) the applicant's, or registered person's, criminal, misconduct, disciplinary or other relevant history, including whether there is a pattern of concerning conduct; and
  - (e) the applicant's, or registered person's, conduct since the matter occurred; and
  - (f) all other relevant circumstances in respect of the offending, misconduct or other relevant

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history of the applicant, or registered person, and the impact on the eligibility of the applicant, or registered person, to be engaged in child-related activity.

**6. Clause 10 amended (Issue of notices of intent to refuse, suspend or cancel registration)**

Clause 10 of the Principal Order is amended as follows:

- (a) by inserting in subclause (1)(b) “, other than an offence specified in item 1, 2, 8, 12, 14, 36, 53, 54, 105 or 106 of Schedule 1,” after “commission of the offence”;
- (b) by inserting in subclause (2)(b) “, other than an offence specified in item 1, 2, 8, 12, 14, 36, 53, 54, 105 or 106 of Schedule 1,” after “commission of the offence”.

**7. Clause 11 amended (Changes in circumstances of non-registered person)**

Clause 11 of the Principal Order is amended as follows:

- (a) by omitting from subclause (2) “information constitutes relevant information in respect” and substituting “matters constitutes significant and

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exceptional change in the  
circumstances”;

- (b) by omitting from subclause (3) “change in the relevant information about the affected person” and substituting “significant and exceptional change in the person’s circumstances”.

**8. Schedule 1 amended (Offences)**

Schedule 1 to the Principal Order is amended as follows:

- (a) by omitting items 3, 4 and 5;
- (b) by omitting item 24;
- (c) by omitting item 34;
- (d) by omitting item 44;
- (e) by omitting items 65 and 66;
- (f) by omitting items 70 and 71;
- (g) by inserting the following item after item 79:

**79A.** An offence under section 272.15A of the *Criminal Code Act 1995* of the Commonwealth

- (h) by omitting item 83;
- (i) by omitting items 86 and 87;

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(j) by omitting items 94 and 95;

(k) by inserting the following item after item 96:

**96A.** An offence under section 474.22A of the *Criminal Code Act 1995* of the Commonwealth

(l) by inserting the following item after item 97:

**97A.** An offence under section 474.23A of the *Criminal Code Act 1995* of the Commonwealth

(m) by inserting the following item after item 100:

**100A.** An offence under section 474.25C of the *Criminal Code Act 1995* of the Commonwealth

(n) by inserting the following item after item 103:

**103A.** An offence under section 474.27AA of the *Criminal Code Act 1995* of the Commonwealth

(o) by omitting item 107;

(p) by omitting items 110 and 111;

(q) by omitting item 116;

(r) by omitting item 119;



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- (s) by omitting items 123, 124 and 125;
- (t) by omitting item 126 and substituting the following item:
  - 126.** An offence under section 35(2) of the *Police Offences Act 1935*
- (u) by omitting items 129, 130 and 131;
- (v) by omitting item 135.

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Printed and numbered in accordance with the *Rules  
Publication Act 1953*.

Notified in the *Gazette* on 30 December 2020.

This order is administered in the Department of Justice.

**EXPLANATORY NOTE**

*(This note is not part of the order)*

This order amends the *Registration to Work with Vulnerable  
People (Risk Assessment for Child-related Activities) Order  
2014* by –

- (a) updating the matters that may be considered by the Registrar in conducting a risk assessment or additional risk assessment; and
- (b) updating the list of offences that –
  - (i) are matters that the Registrar may take into account when conducting a risk assessment; and
  - (ii) in certain circumstances, require the issue of a proposed negative notice that indicates an intent to refuse, suspend or cancel registration; and
- (c) making other miscellaneous amendments consequential on the commencement of

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the *Registration to Work with Vulnerable  
People Amendment Act 2019*.