

I certify that this is a copy of the authorised version of this Statutory Rule as at 1 April 2025, and that it incorporates all amendments, if any, made before and in force as at that date and any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 1 April 2025.

K Woodward
Chief Parliamentary Counsel
Dated 2 April 2025

TASMANIA

REGISTRATION TO WORK WITH VULNERABLE PEOPLE REGULATIONS 2024

STATUTORY RULES 2024, No. 16

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REGISTRATION TO WORK WITH VULNERABLE PEOPLE REGULATIONS 2024

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Registration to Work with Vulnerable People Act 2013*.

Dated 20 June 2024.

B. BAKER
Governor

By Her Excellency's Command,

GUY BARNETT
Minister for Justice

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the *Registration to Work with Vulnerable People Regulations 2024*.

2. Commencement

These regulations take effect on 25 June 2024.

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Part 1 – Preliminary

3. Interpretation

In these regulations –

Act means the *Registration to Work with Vulnerable People Act 2013*;

TasTAFE means TasTAFE as continued by the *TasTAFE (Skills and Training Business) Act 2021*.

PART 2 – REGULATED ACTIVITIES

Division 1 – Child-related and child and vulnerable adult-related (NDIS endorsed) activities

4. Interpretation of Division

(1) In this Division –

child care Department means the department responsible for the administration of the *Education and Care Services National Law (Application) Act 2011*;

child care service means –

- (a) an education and care service as defined in the Education and Care Services National Law (Tasmania); or
- (b) a child care service as defined in section 3(1) of the *Child Care Act 2001*; or
- (c) child care as defined in section 4 of the *Child Care Act 2001*;

Note: Examples of some types of child care services are as follows:

- (a) child care centres;
- (b) family day care services;
- (c) nanny services and other child-minding services provided on a commercial basis;

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- (d) babysitting services, unless the services are provided under a private arrangement (whether or not a fee is payable);
- (e) *au pair* work, if the work involves the provision of child care.

child-related commercial service means –

- (a) a service or activity at a sporting, cultural or entertainment venue that is provided on a commercial basis primarily for children; or
- (b) an entertainment service or party service that is provided on a commercial basis primarily to or for children;

Note: Examples of child-related commercial services include –

- (a) entertainment or party services provided on a commercial basis including magician, clown and animal shows for children; and
- (b) gym and play facilities; and
- (c) talent or beauty competitions for children.

child-related religious activity means –

- (a) a religious service conducted by a minister, priest, rabbi or other religious leader or spiritual officer in a religious organisation for a congregation that consists of or includes children; or

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- (b) an activity or service provided for children which is conducted by or for the purposes of a religious organisation;

Note: Examples of activities under paragraph (b) include Sunday school activities and church youth activities.

child-related service means one or more of the following services:

- (a) a child care service;
- (b) a coaching or tuition service;
- (c) a child-related commercial service;
- (d) a child-related religious activity;
- (e) a club or association activity;

close relative, in relation to a vulnerable person, means the vulnerable person's –

- (a) husband or wife, or partner within the meaning of the *Relationships Act 2003*; or
- (b) father, mother, grandfather, grandmother, stepfather, stepmother, father-in-law or mother-in-law; or
- (c) son, daughter, grandson, granddaughter, stepson,

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stepdaughter, son-in-law or
daughter-in-law; or

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

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

(f) nephew, niece or cousin –

but does not include a person referred to in paragraph (a), (b), (c), (d), (e) or (f) if that person has been given the care of the vulnerable person under section 69(1)(a) of the *Children, Young Persons and Their Families Act 1997*.

club or association activity means a cultural, recreational, sporting or community activity or service provided primarily for children by a club, association, movement, society or other similar body;

Note: Examples of persons who are engaged in a club or association activity, and who by virtue of regulation 5 are required to be registered, include –

- (a) sports coaches and sports team managers; and
- (b) guide and scout leaders; and
- (c) members of the board of management, or a committee, of the club, organisation, movement, society or other body; and
- (d) track officials at children's athletics meets.

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coaching or tuition service means a service involving coaching or tutoring children including, but not limited to, coaching and tutoring in a sport, driving, singing, a musical instrument, dance or educational matters;

day includes part of a day;

religious community service organisation means an organisation that is based in religion but that provides only practical or support services;

Note: Examples of such organisations include Mission Australia, Anglicare and Centacare that provide practical and support services but not religious services to congregations.

religious organisation means an organisation which conducts religious services to congregations or carries out religious work but does not include a religious community service organisation;

safety screening clearance means a safety screening clearance issued by the child care Department for the purposes of the Education and Care Services National Regulations;

school means –

- (a) a State school within the meaning of the *Education Act 2016*; or

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- (b) a registered school within the meaning of the *Education Act 2016*; or
 - (c) a centre, unit or institute of the State which provides educational instruction at any level up to, and including, the final year of secondary education, including TasTAFE as continued by the *TasTAFE (Skills and Training Business) Act 2021*.
- (2) Unless the contrary intention appears, an expression that is used in these regulations and the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018* of the Commonwealth or the *National Disability Insurance Scheme (Practice Standards—Worker Screening) Rules 2018* of the Commonwealth has, in these regulations, the same meaning respectively as in those rules.

5. Regulated activities

For the purposes of section 4A(2) of the Act, the following activities are prescribed as regulated activities:

- (a) in respect of the category of registration referred to as child-related activity, a child-related service;
- (b) in respect of the category of registration referred to as child and vulnerable adult-related (NDIS endorsed) activity, the

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activities, referred to as a class of supports, specified in the table in subsection 20(3) of the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018* of the Commonwealth in –

- (i) items 2, 4, 6, 7, 10, 14, 15, 16, 17, 18, 19, 21, 25, 26, 27, 28, 29, 33, 34, 35, 36; and
- (ii) item 8, in so far as the activity is in relation to specialised transport to school, an educational facility, employment or a community activity.

6. Exemption for persons engaged in child-related activity – commercial services

For the purposes of section 15(2)(d) of the Act, the following classes of persons are prescribed as not being required to be registered to engage in a child-related activity:

- (a) performers, and other persons employed for the purposes of a performance, in children’s entertainment who are not in direct physical contact with the child audience and who do not otherwise engage in the child-related activity in any other capacity that would require registration;
- (b) performers, and other persons employed for the purposes of a performance, who

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work alongside child performers and who do not otherwise engage in the child-related activity in any other capacity that would require registration;

- (c) employees at a party venue who do not have contact with children as part of the party activities and who do not otherwise engage in the child-related activity in any other capacity that would require registration;
- (d) employees at a party venue who do not have contact with children other than to serve food or drink and who do not otherwise engage in the child-related activity in any other capacity that would require registration;
- (e) suppliers of food, drink or equipment for a sporting, cultural or other entertainment venue and who do not otherwise engage in the child-related activity in any other capacity that would require registration.

7. Exemption for persons engaged in child-related activity – coaching and tuition services

For the purposes of section 15(2)(d) of the Act, the following classes of persons are prescribed as not being required to be registered to engage in a child-related activity:

- (a) persons engaged in providing coaching or tutoring to the general public in situations where no coaching or tuition is

provided to children separately from adults and who do not otherwise engage in the child-related activity in any other capacity that would require registration;

- (b) persons engaged in providing coaching or tutoring as part of an informal arrangement with a neighbour, friend or relative and who do not otherwise engage in the child-related activity in any other capacity that would require registration.

8. Exemption for persons engaged in child-related activity – religious services

For the purposes of section 15(2)(d) of the Act, persons who are engaged in a child-related activity in no other capacity than as members of a congregation at a religious service, and who do not otherwise engage in the child-related activity in any other capacity that would require registration, are prescribed as not being required to be registered to engage in the child-related activity.

9. Exemption for persons engaged in child-related activity – clubs, associations, &c.

For the purposes of section 15(2)(d) of the Act, the following classes of persons are prescribed as not being required to be registered to engage in a child-related activity:

- (a) lifeguards and lifesavers providing lifesaving services who do not otherwise

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engage in the child-related activity in any other capacity that would require registration;

- (b) referees, umpires, linespersons or other sporting officials or grounds persons who are not in contact with children at sporting events for extended periods without other adults being present (other than track officials at children's athletic meets) and who do not otherwise engage in the child-related activity in any other capacity that would require registration;
- (c) parents of children at a sporting, cultural or entertainment event if the parents are spectators only and if they do not otherwise engage in the child-related activity in any other capacity that would require registration;
- (d) administrative staff of a club, organisation, movement, society or other body if their usual duties do not bring them into contact with children and if they do not otherwise engage in the child-related activity in any other capacity that would require registration.

10. Exemption for persons engaged in child and vulnerable adult-related (NDIS endorsed) activity

For the purposes of section 15(2)(d) of the Act, the following classes of persons are prescribed as not being required to be registered to engage

in a child and vulnerable adult-related (NDIS endorsed) activity:

- (a) a person specified in paragraph 14(1)(a) or (c) of the *National Disability Insurance Scheme (Practice Standards—Worker Screening) Rules 2018*;
- (b) a person who is a worker of a registered NDIS provider complying with paragraph 14(1)(b) of the *National Disability Insurance Scheme (Practice Standards—Worker Screening) Rules 2018*.

11. Exemptions for persons engaged in child-related activity

For the purposes of section 15(2)(e) of the Act, a person is not required to be registered to engage in a child-related activity in the following circumstances:

- (a)
- (b) if the person is a close relative of each child who is taking part in the activity and with whom the person has contact;
- (c) if the person is engaged in the activity as a volunteer and –
 - (i) is a close relative of a child taking part, or who normally takes part, in the activity; and

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- (ii) a close relative of each other child taking part in the activity is engaged, or is expected to be engaged, in the activity;
- (d) if the person is engaged in the activity in the same capacity as the child with whom the person has contact;
- (e) if the person is an employer or supervisor of a child, unless the child is engaged in a regulated activity;
- (f) if the person is engaged in the activity as a correctional officer, within the meaning of the *Corrections Act 1997*;
- (g) if the person is engaged in the activity and the only contact that the person has with a child is working with a record of the child;
- (h)
- (i) if the person is engaged in the activity for a Tasmanian public authority or an agency of the Commonwealth (including a body, corporate or unincorporate, established under an Act of the Commonwealth) and the only contact that the person has with a child is providing a service to the child at a public counter or shopfront or by telephone, unless the person has more than incidental contact with the child;

- (j) if the person is engaged in the activity and the only contact that the person has with a child is providing information to, or receiving information from, the child by telephone, unless the person has more than incidental contact with the child.

12. Exemptions for persons engaged in child-related activity or child and vulnerable adult-related (NDIS endorsed) activity

For the purposes of section 15(2)(e) of the Act, a person is not required to be registered to engage in a child-related activity, or a child and vulnerable adult-related (NDIS endorsed) activity, in the following circumstances:

- (a) if the person is under the age of 16 years;
- (b) if –
 - (i) the person is engaged in the regulated activity as a school student on a work experience placement or doing practical training; and
 - (ii) at the same time as the person is so engaged in the regulated activity, a registered person is also present and engaged in the regulated activity.

Division 2 – Services of Registrar and assisting persons

13. Services performed by Registrar and persons assisting Registrar

(1) In this regulation –

Registrar’s activity means a function or power performed or exercised, under the Act, by the Registrar or a person assisting the Registrar, including any activity done or service provided in performing or exercising such a function or power.

(2) A Registrar’s activity is prescribed to be a regulated activity for the purposes of the definition of *regulated activity* in section 3 of the Act.

Division 3 – Activities or services prescribed to be regulated activities in respect of children

14. Youth justice service – regulated activity

(1) In this regulation –

youth means youth as defined in the *Youth Justice Act 1997*;

youth justice service means an activity conducted specifically for, or a service provided specifically to, a youth under the *Youth Justice Act 1997*.

(2) A youth justice service is prescribed to be a regulated activity for the purposes of the

definition of *regulated activity* in section 3 of the Act.

15. Child disability service – regulated activity

(1) In this regulation –

child disability service means an activity conducted specifically for, or a service provided specifically to, a child with a disability;

disability means disability as defined in the *Disability Services Act 2011*.

(2) A child disability service is prescribed to be a regulated activity for the purposes of the definition of *regulated activity* in section 3 of the Act.

16. Child education service (non-government schools) – regulated activity

(1) In this regulation –

child education service (non-government schools) means a service provided by a school registered under Division 3 of Part 6 of the *Education Act 2016*.

(2) A child education service (non-government schools) is prescribed to be a regulated activity for the purposes of the definition of *regulated activity* in section 3 of the Act.

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17. Child education service (vocational education, training and workforce development) – regulated activity

(1) In this regulation –

child education service (vocational education, training and workforce development) means –

- (a) a service provided specifically for, or provided only or mainly to, children by an NVR registered training organisation, other than TasTAFE; and
- (b) a service provided specifically for, or provided only or mainly to, children by a person or organisation, other than TasTAFE, in accordance with the *Training and Workforce Development Act 2013*;

NVR registered training organisation has the same meaning as in the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth.

(2) A child education service (vocational education, training and workforce development) is prescribed to be a regulated activity for the purposes of the definition of *regulated activity* in section 3 of the Act.

18. Adoption service – regulated activity

- (1) In this regulation –

adoption service means a service provided for a child under the *Adoption Act 1988* pending the adoption of the child under that Act.

- (2) An adoption service is prescribed to be a regulated activity for the purposes of the definition of *regulated activity* in section 3 of the Act.

19. Guardianship service – regulated activity

- (1) In this regulation –

custodian means custodian as defined in the *Immigration (Guardianship of Children) Act 1946* of the Commonwealth;

guardianship service means a service provided by a custodian to a non-citizen child under the *Immigration (Guardianship of Children) Act 1946* of the Commonwealth;

non-citizen child means a non-citizen child as defined in the *Immigration (Guardianship of Children) Act 1946* of the Commonwealth.

- (2) A guardianship service is prescribed to be a regulated activity for the purposes of the definition of *regulated activity* in section 3 of the Act.

20. Child protection service – regulated activity

(1) In this regulation –

child protection service means an activity conducted specifically for, or a service provided specifically to, a child, or young person, under the *Children, Young Persons and Their Families Act 1997*;

young person means young person as defined in the *Children, Young Persons and Their Families Act 1997*.

(2) A child protection service is prescribed to be a regulated activity for the purposes of the definition of *regulated activity* in section 3 of the Act.

21. Child education service (government schools) – regulated activity

(1) In this regulation –

child education service (government schools)
means a service provided by –

- (a) a State school as defined in the *Education Act 2016*; and
- (b) a centre, unit or institute of the State or TasTAFE, which provides educational instruction at any level up to, and including, the final year of secondary education;

- (2) A child education service (government schools) is prescribed to be a regulated activity for the purposes of the definition of *regulated activity* in section 3 of the Act.

22. State Library Service – regulated activity

- (1) In this regulation –

State Library Service means the State Library Service as defined in the *Libraries Act 1984*.

- (2) The State Library Service is prescribed to be a regulated activity for the purposes of the definition of *regulated activity* in section 3 of the Act.

23. Child accommodation service – regulated activity

- (1) In this regulation –

child accommodation service means a residential or business accommodation service conducted specifically for, or provided only or mainly to, children by persons who are not the parents, guardians, step-parents or adoptive parents of the children.

- (2) A child accommodation service is prescribed to be a regulated activity for the purposes of the definition of *regulated activity* in section 3 of the Act.

24. Child transport service – regulated activity

(1) In this regulation –

child transport service means –

- (a) a service provided, in accordance with the *Vehicle and Traffic Act 1999*, to test or assess the competence of an applicant to drive a motor vehicle; and
 - (b) a service provided by a school-crossing patrol officer; and
 - (c) a service provided in accordance with an ancillary certificate as defined in the *Vehicle and Traffic Act 1999*.
- (2) A child transport service is prescribed to be a regulated activity for the purposes of the definition of *regulated activity* in section 3 of the Act.

25. Child health program and child health service – regulated activity

(1) In this regulation –

child health program and child health service means a health program, and health service, conducted specifically for, or provided only or mainly to, children;

health program means a health program as defined in the Health Practitioner Regulation National Law (Tasmania);

health service means the following:

- (a) a health service as defined in the Health Practitioner Regulation National Law (Tasmania);
 - (b) a service that is, or purports to be, a service for maintaining, improving, restoring or managing, physical or mental health;
 - (c) a service that is, or purports to be, a service for providing support to the provision of a health service referred to in paragraph (a) or (b).
- (2) A child health program and child health service is prescribed to be a regulated activity for the purposes of the definition of *regulated activity* in section 3 of the Act.

26. Child mentoring service – regulated activity

- (1) In this regulation –

child mentoring service means a service conducted specifically for, or provided only or mainly to, children for the purpose of providing emotional support, mentoring or pastoral care.

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- (2) A child mentoring service is prescribed to be a regulated activity for the purposes of the definition of *regulated activity* in section 3 of the Act.

27. Child legal service – regulated activity

- (1) In this regulation –

child legal service means an activity conducted specifically for, or a service provided specifically to, a child by a separate representative or an independent children’s lawyer;

independent children’s lawyer means an Australian legal practitioner acting as an independent lawyer to represent a child’s interests pursuant to an order made under section 68L of the *Family Law Act 1975* of the Commonwealth;

separate representative, in relation to a child, means an Australian legal practitioner acting as a separate representative of the child pursuant to an order made under section 59 of the *Children, Young Persons and Their Families Act 1997*.

- (2) A child legal service is prescribed to be a regulated activity for the purposes of the definition of *regulated activity* in section 3 of the Act.

**PART 3 – PRESCRIBED MATTERS FOR PURPOSES
OF CERTAIN SECTIONS OF ACT**

28. Matters prescribed for section 18A of Act

- (1) In this regulation –

child protection service has the same meaning
as in regulation 20;

Secretary means the Secretary of the
responsible Department in relation to the
*Children, Young Persons and Their
Families Act 1997*.

- (2) For the purposes of the definition of *relevant regulated activity* in section 18A(1) of the Act, the regulated activity of child protection service is prescribed to be a relevant regulated activity.
- (3) For the purposes of the definition of *special circumstances* in section 18A(1) of the Act, the following circumstances are special circumstances in relation to the relevant regulated activity of child protection service:
- (a) the Secretary, under section 69(1) of the *Children, Young Persons and Their Families Act 1997*, has placed a child or young person, within the meaning of that Act, in the care of a person so as to require the person to engage in that relevant regulated activity;
 - (b) the Secretary, under section 69(1) of the *Children, Young Persons and Their Families Act 1997*, has placed a child or young person, within the meaning of that Act, in the care of a person so as to require the person to engage in that relevant regulated activity;

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Part 3 – Prescribed Matters for Purposes of Certain Sections of Act

Families Act 1997, has placed a child or young person, within the meaning of that Act, in the care of a person (the **carer**) so as to require the carer to engage in that relevant regulated activity, and another person –

- (i) resides with the carer; and
- (ii) by the operation of section 5(2) of the Act, is also engaged in that relevant regulated activity.

29. Category of registration prescribed for section 35(1A) of Act

For the purposes of section 35(1A) of the Act, the category of registration referred to as child and vulnerable adult-related (NDIS endorsed) activity is prescribed as a category of registration that may not be made subject to a condition.

PART 4 – MISCELLANEOUS

30. Registration cards

For the purposes of section 42(2)(e) of the Act, a statement as to whether a registration card for a person is in respect of an activity involving a child, or an adult, is a prescribed matter.

31. Reportable behaviour

For the purposes of Part 7A of the Act, reportable behaviour is behaviour that poses a risk of harm to vulnerable persons, whether by reason of neglect, abuse or other conduct.

32. Prescribed entities

For the purposes of section 54B(3) of the Act, the following are prescribed entities:

- (a) an Agency, within the meaning of the *State Service Act 2000*;
- (b) the Police Service.

33. Prescribed fees

The fees specified in Schedule 1 are prescribed as the fees that are payable for the matters to which they respectively relate.

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Part 4 – Miscellaneous

34. Infringement notices

For the purposes of section 55 of the Act –

- (a) an offence against a provision of the Act specified in column 2 of the table in Schedule 2 is prescribed as an offence for which an infringement notice may be issued and served; and
- (b) a penalty specified in column 3 of the table in Schedule 2 is prescribed as the penalty for the offence specified in column 2.

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SCHEDULE 1 – FEES

Column 1	Column 2	Regulation 33 Column 3
Item no.	Matter for which fee payable	Fee (fee units)
1.	Application for registration – (a) by a paid employee (b) by a volunteer	70 12
2.	Application for amendment of conditional registration	25
3.	Application for a replacement registration card	25
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SCHEDULE 2 – INFRINGEMENT NOTICE OFFENCES

Regulation 34

Column 1	Column 2	Column 3
Item no.	Section of Act	Penalty (penalty units)
1.	Section 16(1)	20
2.	Section 16A(1)	5
3.	Section 17(1)	5
4.	Section 17(2)	20
5.	Section 17A(1)	5
6.	Section 24	5
7.	Section 24A(1)	1
8.	Section 41	20
9.	Section 44(1)	5
10.	Section 44(1B)	5
11.	Section 47(1)	5
12.	Section 47(2)	5
13.	Section 48(1)	1
14.	Section 48A(1)	1
15.	Section 52(3)	5
16.	Section 52A(6)	20

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Column 1	Column 2	Column 3
Item no.	Section of Act	Penalty (penalty units)
17.	Section 52B(5)	20
18.	Section 54(2)	5
19.	Section 54(3)	5
20.	Section 54A	5

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

Notified in the *Gazette* on 24 June 2024.

These regulations are administered in the Department of Justice.

NOTES

The foregoing text of the *Registration to Work with Vulnerable People Regulations 2024* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 1 April 2025 are not specifically referred to in the following table of amendments.

Citation	Serial Number	Date of commencement
¹ <i>Registration to Work with Vulnerable People Regulations 2024</i>	S.R. 2024, No. 16	25.6.2024
<i>Registration to Work with Vulnerable People Amendment Regulations 2024</i>	S.R. 2024, No. 98	1.4.2025

¹Expiry 24 June 2034 - Subordinate Legislation Act 1992

TABLE OF AMENDMENTS

Provision affected	How affected
Regulation 4	Amended by S.R. 2024, No. 98
Regulation 11	Amended by S.R. 2024, No. 98