



Australian Capital Territory

Working with Vulnerable People (Background Checking) Regulation 2012

Subordinate Law SL2012-4

The Australian Capital Territory Executive makes the following regulation under the *Working with Vulnerable People (Background Checking) Act 2011*.

Dated 16 January 2012.

JOY BURCH
Minister

CHRIS BOURKE
Minister



Australian Capital Territory

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J2010-277

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Dictionary

1 Name of regulation

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

2 Commencement

This regulation commences on the commencement of the *Working with Vulnerable People (Background Checking) Act 2011*, section 4.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

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.

5 Conditional registration—information—Act, s 42 (4)

- (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) procedures for recruiting, selecting, training, supervising and managing people engaged or proposed to be engaged by the employer in a regulated activity, as the procedures relate to the safety and wellbeing of vulnerable people;
- (d) 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;
- (e) a policy for disciplining people engaged by the employer who breach the risk management strategy;
- (f) 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

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (g) risk management plans for high risk activities and special events;
- (h) strategies for communication and support, including—
 - (i) written information for people engaged by the employer that includes details about the employer's risk management strategy or where a copy of the strategy can be accessed; and
 - (ii) training materials for people engaged by the employer to—
 - (A) help identify risks of harm to vulnerable people; and
 - (B) give instructions for how to handle disclosures or suspicions of harm to vulnerable people; and
 - (C) 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 42 (4).

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
- function
- 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
- registration card (see s 49 (1))
- regulated activity (see s 8)
- role-based registration (see s 42 (2))
- vulnerable person (see s 7).

Endnotes

1 Notification

Notified under the Legislation Act on 6 February 2012.

2 Republications of amended laws

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

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