

2025

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

ELEVENTH ASSEMBLY

STATUTORY REVIEW OF THE CRIMES (CHILD SEX OFFENDER) AMENDMENT ACT 2025

**Presented by
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December 2025**

● Report

Statutory Review of the Crimes (Child Sex Offender) Amendment Act 2025



Acknowledgement of Country

The Justice and Community Safety Directorate acknowledges the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region.

We respect the Aboriginal and Torres Strait Islander people, particularly our Aboriginal and Torres Strait Islander staff, and their continuing culture and contribution they make to the Canberra region and the life of our city.

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Contents

Statutory Review of the Crimes (Child Sex Offender) Amendment Act 2025.....	1
Acknowledgement of Country	1
Contents.....	2
Statutory Review of the Crimes (Child Sex Offender) Amendment Act 2025.....	3
Background.....	3
Current Legislation	4
Child-related employment.....	4
Scope of the Review.....	4
Finding 1:.....	6
Finding 2:	11
Conclusion	11
Appendix A:.....	13
List of Stakeholders.....	13
Appendix B: Current Legislation.....	14
Table styles.....	Error! Bookmark not defined.

Statutory Review of the Crimes (Child Sex Offender) Amendment Act 2025

Background

On 6 March 2025, the *Crimes (Child Sex Offenders) Amendment Act 2025* (CSO Amendment Act) was passed in the Legislative Assembly. The CSO Amendment Act amended the *Crimes (Child Sex Offender) Act 2005* (CSO Act) to expand the definition of ‘child-related employment’ at section 124(1)(t) to include the provision of legal services related to a child, provided by Legal Aid ACT.

The CSO Amendment Act was drafted narrowly in response to a discrete issue raised by the Chief Executive Officer of Legal Aid ACT. The intent of this amendment is to reduce the risk of contact between a child and a registrable offender in circumstances where legal services related to a child are being provided by Legal Aid ACT. The amendment was not intended to capture circumstances, for example, where contact with a child is incidental to the delivery of legal services or not directly related to the child, for example where a person seeking legal services in relation to their rental rights attends a meeting with their child.

It was intended that the CSO Amendment Act would be the first stage of work, with a second stage to follow which considered whether further expansions are required to cover other child-related legal services and other professions more generally within the list of child-related employment. It was acknowledged by the ACT Government during debate of the CSO Amendment Act that further consultation and consideration of human rights implications was needed before further reforms could progress. In this vein, an amendment was passed during debate of the CSO Amendment Act which called for the following:

A legislative review is to be presented by the ACT Attorney-General that ensures relevant stakeholders are adequately consulted and also the potential expansion of ‘child-related employment’ to other legal professionals and other professions. This is to be tabled by the last sitting day of 2025.

This Report delivers on this request by outlining the outcome of the legislative review that has taken place, in consultation with key stakeholders.

Current Legislation

Child Sex Offender Register

The CSO Act establishes a child sex offenders register for the ACT. The CSO Act requires offenders who commit certain sexual offences against children, (registrable offenders), to keep ACT Policing (ACTP) informed of certain personal details for a set period of time. These reporting obligations apply automatically upon sentencing for a registrable offence. A list of registrable offences is set out in the schedules to the CSO Act.

The prosecution can also apply to the court for a registration order for an offender at the time of sentencing for an offence that is not listed as a registrable offence. The court may make a registration order if satisfied that the person poses a risk to the sexual safety of one or more people or of the community.

The CSO Act also recognises prescribed corresponding offenders who are required to report under similar schemes in other jurisdictions as registrable offenders in the ACT.

Child-related employment

The CSO Act sets out restrictions on registrable offenders working in 'child-related employment' and from engaging in conduct that poses a risk to the lives or safety of children. A copy of the definition of 'child-related employment' and the relevant offences in the CSO Act, as well as the related provision in the Crimes (Child Sex Offenders) Regulation 2005 (CSO Regulation), is included at Appendix A.

The term 'child-related employment' is defined broadly (see section 124) and includes employment that involves 'contact' with a child in a large range of settings such as educational institutions, religious organisations, transport services and counselling. It includes where a person is undertaking practical training, volunteer work or community service work. 'Contact' includes physical contact, oral communications and written communications, including electronic.

Under the CSO Act, it is an offence if a registrable offender applies for or engages in 'child-related employment' or if a person applying for or engaged in 'child-related employment' does not declare a charge pending for a registrable offence.

Under the CSO Act, the onus is on the registrable offender to not apply for or engage in child-related employment. There is no onus on the employer to ensure a potential employee is not a registrable offender.

Scope of the Review

Two key questions were considered as part of this review:

1. Whether the definition of 'child-related employment' in the CSO Act should be expanded to apply to all legal services related to a child in the ACT?

2. Whether the definition of ‘child-related employment’ in the CSO Act should be expanded to apply to other professions which have contact with or provide services to children in the ACT?

A range of justice and community stakeholders, listed at [Appendix B](#), were consulted on these questions, with their responses informing the below findings.

Question 1: Whether the definition of ‘child-related employment’ in the CSO Act should be expanded to apply to all legal services related to a child in the ACT?

There was unanimous support among stakeholders who responded to the consultation that the definition of ‘child-related employment’ in the CSO Act should be expanded to apply to all legal services related to a child in the ACT.

In the view of Legal Aid ACT, the policy rationale which justified the *CSO Amendment Act 2025* should equally justify the inclusion of other legal support organisations which engage directly with children in the same way as Legal Aid ACT. An expansion of the definition would implement the necessary safeguards to protect children when they engage with any legal support service. Section 124(1) of the CSO Act specifies types of employment which constitute child-related employment, which now includes Legal Aid ACT.

This Canberra Rape Crisis Centre (CRCC) advised that the current limitation [to only include Legal Aid ACT] creates unequal protections for children and overlooks the wide range of legal settings in which children engage. In CRCC’s view, children may engage with legal professionals as complainants, accused persons, witnesses, or subjects of family law, migration, housing or child protection proceedings. These engagements often require unsupervised, direct and ongoing communication between the professional and the child, whether through lawyers, paralegals, interpreters or administrative staff¹. CRCC listed examples of legal services that involve significant contact with children as including:

- Community legal centres advising children on tenancy disputes.
- Private family law practitioners acting as Independent Children’s Lawyers.
- Criminal defence solicitors engaging children as clients or witnesses.
- Youth justice workers employed through contracted legal services.

In CRCC’s view, limiting the restriction to Legal Aid ACT disregards the same level of risk present in private and community-based legal practices. CRCC noted that legal professionals often work alone with children, in confidential environments, where grooming behaviours may go undetected. This gap undermines child safety.

¹ McKell Institute ‘Safety Not Guaranteed: Preventing Young Workers from Experiencing Predatory Behaviour’, November 2024

ACT Policing also supported the expansion of ‘child-related employment’ under the CSO Act expanding to all legal services related to a child. ACT Policing views this expansion as necessary for protecting children’s right to safety and a proportionate safeguard in recognising that no child should have to be exposed to a situation where they may require direct legal services from a convicted child sex offender. ACT Policing note that children who encounter legal services often bring an inherent level of trust given the profession’s established role in advocating for their best interests and providing impartial advocacy. This representation, along with the perceived integrity, respectability and professional expertise of legal services related to a child, provides an opportunity for a registered offender working in the profession to misuse their position of trust and power, leaving children vulnerable to harm. In ACT Policing’s view, [the proposed] expanded definition aligns with the regulation’s intent to reduce and deter recidivism of convicted child sex offenders (registerable offenders) in minimising opportunities to re-offend through child-related employment.

The Human Rights Commission (HRC) considers that the limits on relevant human rights with the proposed expansion of the definition of “child related employment” in the CSO Act to include all legal services that involve direct contact with children are reasonable in this specific context. The HRC noted there appears to be no rational reason for there to be a distinction between services provided by Legal Aid and services provided to children by other legal providers.

The ACT Director of Public Prosecutions also supported the proposed expansion. On this basis, the review found that the definition of ‘child-related employment’ in the CSO Act should be expanded to apply to all legal services related to a child in the ACT.

Finding 1:

(1) The definition of ‘child-related employment’ in the CSO Act should be expanded to apply to all legal services related to a child.

In addition to the views expressed above, some stakeholders made the following additional points.

CRCC recommended that the definition be extended to apply to all staff and contractors in legal workplaces who may have contact with children. The definition, as it is currently articulated and if the legislation is amended to support the finding, would apply to employment involving contact with a child in relation to legal services related to a child. “Employment” is defined in section 123 as including performance of work either under a contract of employment or contract for services, or as a minister or religion or as part of duties of a religious vocation. It also includes undertaking practical training, or performance as a volunteer or because of a sentence. On this basis, the proposed reform would not just cover lawyers employed by a legal service, but would extend to other staff employed (by contract or volunteer by the legal service provider where their role involves contact with a child. Subsection 124(2) of the CSO Act defines ‘contact’ as any form or physical contact, oral communication and written communication. It should be noted that the original amendment to

cover Legal Aid ACT was not intended to capture circumstances, for example, where contact with a child is incidental to the delivery of legal services or not directly related to the child, for example where a person seeking legal services in relation to their rental rights attends a meeting with their child. On this basis, while the above finding supports the expansion to the apply the definition to all legal services related to a child, it is not proposed that this include incidental interactions.

ACT Policing queried whether the legislative framework contains the appropriate information sharing mechanisms to enable ACT Policing to share information with employers. The scheme currently relies on the individual registerable offender self-reporting. This issue is likely to engage a range of policy considerations and impacts on human rights, including limitations on the right to privacy, which would need to be further considered. On this basis, this issue has not been considered within the scope of this review.

Question 2: Whether the definition of ‘child-related employment’ in the CSO Act should be expanded to apply to other professions which have contact with or provide services to children in the ACT?

There was general support to the policy position that the definition of ‘child-related employment’ should be broad enough to mitigate the risk of a child encountering a registered offender in an unsupervised circumstance, or in a situation where the offender would be in a position of power or trust. There were a range of views from stakeholders on professions and occupations that should be further considered to be included in the definition, as noted below. However, there was also an acknowledgment that any expansion or additions need to be carefully considered through a human rights lens to ensure the human rights of an offender are not breached as a result of such amendments.

Health Services

The definition of ‘child-related employment’ includes, at section 124(1)(g), “wards of public or private hospitals where children are ordinarily patients”.

Some stakeholders questioned whether this provision was broad enough or whether it needed to be expanded further to cover other health services commonly accessed through community and outpatient health services such as General Practitioner clinics, allied health services, mental health services, community health services and walk-in clinics. Some stakeholders noted that these services may involve direct, unsupervised contact with children.

Some of these professions may be regulated by the *Australian Health Practitioner Regulation Agency* ([Australian Health Practitioner Regulation Agency - Home](#)) (AHPRA). AHPRA is the Australian regulator responsible for ensuring health practitioners are trained, qualified and safe to practice. Health practitioners need to register with the agency, which includes declaring any criminal charges or convictions. Registered health practitioners are then listed on a public register. There is a wide range of health practitioners covered by this Register, from dentists, optometrists, psychologists and physiotherapists. However, it is acknowledged that there may be administrative, supporting and non-professional roles in these services which do not require professional registration.

Further policy consideration and consultation is required to assess whether section 124(1)(g) is too narrow and whether it should be expanded. Consideration may be given to approaches in other jurisdictions. For example, in South Australia, the *Child Sex Offenders Registration Act 2006*, defines ‘child-related work’ as including ‘hospital wards or out-patient services (whether public or private) in which children are ordinarily patients’.

In New South Wales, the *Child Protection (Working with Children) Act 2012* defines ‘child-related work’ as including ‘children’s health services’. ‘Children’s health services’ is defined broadly as ‘the provision of health care in wards of hospitals where children are treated and the direct provision of other child health services’. Section 6 of the *Child Protection (Working with Children) Regulation 2013* further defines ‘children’s health services’ as including:

- (1) Work as a health practitioner providing health services in wards of hospitals where children are treated is child-related work.*
- (2) Other work as a health practitioner providing child health services is child-related work.*
- (3) Work by persons (other than health practitioners) who provide health and care services in paediatric or adolescent health services is child-related work.*
- (3A) For the purposes of section 6(3A) of the Act, any direct contact that a worker has with a child or children when engaged in work referred to in subclause (1), (2) or (3) is taken to be a usual part of and more than incidental to the work.*
- (4) Work as a student in the course of a student clinical placement in a hospital or other health service is not child-related work.*

In this Regulation, the meaning of ‘health practitioner’ is broadly defined and includes the following ‘health services’:

- (a) medical, hospital and nursing and midwifery services,*
- (b) dental services,*
- (c) mental health services,*
- (d) pharmaceutical services,*
- (e) ambulance services,*
- (f) community health services,*
- (g) health education services,*
- (h) welfare services necessary to implement any services referred to in paragraphs (a)–(g),*
- (i) services provided in connection with Aboriginal and Torres Strait Islander health practices and medical radiation practices,*
- (j) Chinese medicine, chiropractic, occupational therapy, optometry, physiotherapy, podiatry and psychology services,*
- (k) optical dispensing, dietician, massage therapy, naturopathy, acupuncture, speech therapy, audiology and audiometry services,*
- (l) services provided in other alternative health care fields.*

Given the vulnerable circumstances in which children are usually in when receiving health services, and the position of trust placed in health practitioners by parents and guardians, there is merit in the

ACT Government further reviewing how health services are covered in the CSO Act and CSO Regulations.

Disability Services

One stakeholder noted that ‘disability services’ is not currently listed as a profession within child-related employment and views this as a gap in the legislation. The additional vulnerabilities experienced by children with disabilities, which may include limitations to physical, verbal and cognitive abilities, may place them at an increased risk of harm, particularly as recipients of care provided by disability services.

While some disability services may be covered by other criteria, such as the criteria covering “counselling and other support services”, further policy consideration and consultation is required to assess whether the definition of ‘child-related employment’ should be expanded to specifically list disability services provided to children. The New South Wales *Child Protection (Working with Children) Act 2012* defines ‘child-related work’ as including ‘disability services’, which is defined as ‘respite care or other support services for children with a disability’.

Tutor Services

The definition of ‘child-related employment’ includes, at section 124(1)(m), “private tuition services of any kind for children arranged by a commercial agency”. Some stakeholders questioned whether this provision is also too narrow as it may not appropriately cover tuition arranged privately without the involvement of a commercial agency, such as a private tutor engaged directly by a parent or carer.

Further policy consideration and consultation is required to assess whether section 124(1)(m) is too narrow. As above, consideration may be given to approaches in other jurisdictions. In New South Wales, the definition of ‘child-related work’ includes ‘education’ which is defined as ‘schools or other educational institutions (other than universities) and private coaching or tuition of children’. The Victorian *Sex Offenders Registration Act 2004* defines ‘child-related employment’ as including ‘coaching or private tuition services of any kind for children’.

Other types of employment

There are a range of other occupations and services which have been raised by stakeholders which warrant further consideration. These are typically services or activities that, while not institutionally based, are strongly targeted toward or attended by children. These should include mobile, freelance and informal services. These include:

- Ice cream trucks and mobile food vendors that predominately service children in unsupervised settings
- Freelance entertainers, such as children’s party hosts, magicians, or character impersonators, operating outside commercial agency arrangements
- One-on-one recreational coaches unaffiliated with registered training providers, and
- Social media influencers or other public figures making in-person appearances at child-focused events.

Businesses employing children



South Australia recently passed amendments to its *Child Sex Offenders Registration Act 2006 (SA)* to include 'businesses or undertakings in which children are employed' within the equivalent definition of 'child-related work'. This amendment is intended to prevent a registrable offender from working alongside children, such as at a supermarket, fast food outlet or retail store.

The Retail and Fast Food Workers Union was supportive of expanding the definition of 'child related employment' to align with South Australia's approach, advising that the definition should expand to all workplaces employing children and a positive obligation be imposed on registered offenders to not work in workplaces which employ children. The Shop, Distributive and Allied Employees' Association also supported the definition of 'child-related employment' in s124(1) being expanded to include workplaces where children are employees.

The Victims of Crime Commissioner (VOCC) recommended consideration of a similar amendment to South Australia's approach in the ACT, noting that the amendment to the *Child Sex Offenders Registration Act 2006 (SA)* is not a blanket ban which prevents all offenders from applying for, or engaging in, employment in a business which hires children. VOCC further advised that the amendment, however, severely limits the ability of offenders to obtain employment alongside children unless there is an exception that the relevant offences were not committed in connection with any child-related work and the Commissioner under the Act is satisfied that the offender does not pose a risk to the safety and well-being of children employed in the business or undertaking that constitutes child-related work. However, all other stakeholders did not support expanding the ACT's definition of 'child-related employment' to include businesses that employ children. While acknowledging the need to mitigate risks for children and create safe environments for them to gain employment, there was recognition that the *Human Rights Act 2004* requires any limitation on human rights to be proportionate and reasonable, considering the purpose of the limitation and any less rights restrictive means to reasonably achieve that purpose. In the views of other many other stakeholders, expanding the definition to businesses employing children would unreasonably limit an offender's right to work.

Stakeholders acknowledge that any consideration to expand the definition to businesses employing children would need to consider whether there are less restrictive mechanisms that could be used to achieve the same purpose of protecting children. For example, consideration could be given the obligations on employers to make workplaces safer, obligations under the Working With Vulnerable People scheme and reportable conduct schemes, parole conditions, the enforcement of positive duties under both ACT and Commonwealth discrimination legislation, the potential for conditions on an order stipulating not working in contexts which involved unsupervised contact with children and young people, and the potential for implementation of the Child Safe Standards scheme to create organisations that are safer not just for the children and young people they serve, but also for young people employed within those organisations.

In lieu of a ban on registered offenders working in a business employing children, CRCC recommended consideration of a legislative mechanism for targeted employment restriction orders, which would allow case-by-case limitations to work settings beyond those explicitly listed in

legislation or regulation. Such orders would enable a court or authorised body to prohibit a registrable offender from working in a specific setting or sector, based on evidence of risk. There are a range of further policy considerations requiring analysis of this approach before it is progressed.

Finding 2:

Further consideration should be given to extending the definition of ‘child-related employment’, specifically relating to a broader range of health services, tutor services and disability services for children and further review undertaken on mobile, freelance and informal services for children.

However, the definition should not be amended to extend to cover businesses employing children.

Conclusion

This statutory review of the *Crimes (Child Sex Offender) Amendment Act 2025* has identified a range of areas in the current legislative framework which could be strengthened to better meet the policy objective of protecting children in the ACT from the risks associated with registered child sex offenders.

The findings have indicated some quick improvements, such as extending the current provision in section 124(1)(t) of the CSO Act to all legal services related to a child, rather than limiting it specifically to Legal Aid ACT. The findings have also identified a range of other employment types and circumstances where further consideration should be given to whether the wording of the current legislation unintentionally narrows the policy objective of the provision. Further consideration is required on these elements, including specifically to the coverage of health services, tutor services and disability services for children, to consider the approach in other jurisdictions and the impact on the human rights of the offender.





Appendix A:

List of Stakeholders

A total of 21 stakeholders were invited to provide submissions to inform this Review.

- Aboriginal Legal Service NSW/ACT
- Aboriginal and Torres Strait Islander Elected body
- ACT Bar Association
- ACT Corrective Services
- ACT Council of Social Services
- ACT Courts and Tribunal
- ACT Director of Public Prosecutions
- ACT Human Rights Commission
- ACT Law Society
- ACT Policing
- Canberra Rape Crisis Centre
- Civil Liberties Australia
- Domestic Violence Crisis Service
- Justice Caucus ACT
- Justice Reform Initiative
- Legal Aid ACT
- Retail and Fast Food Workers Union
- Shop, Distribution and Allied Employees Association
- Victim Support ACT
- Women's Legal Service
- Winnunga Nimmityjah Aboriginal Health and Community Services

Appendix B: Current Legislation

Crimes (Child Sex Offenders) Act 2005

124 What is *child-related employment*?

(1) Employment is child-related (***child-related employment***) if the employment involves contact with a child in relation to any of the following:

- (a) child protection services;
- (b) preschools, kindergartens or education and care services or childcare centres;
- (c) family day care schemes;
- (d) educational institutions for children;
- (e) detention places under the *Children and Young People Act 2008*;
- (f) refuges or other residential facilities used by children;
- (g) wards of public or private hospitals where children are ordinarily patients;
- (h) clubs, associations or movements (including of a cultural, recreational or sporting nature) with significant child membership or involvement (including involvement of a voluntary nature);
- (i) religious organisations;
- (j) babysitting or childminding services arranged by a commercial agency;
- (k) fostering children;
- (l) providing public or private transport services for the transport of children;
- (m) private tuition services of any kind for children arranged by a commercial agency;
- (n) counselling or other support services for children;
- (o) overnight camps, irrespective of the kind of accommodation or of how many children are involved;
- (p) school-crossing services;
- (q) before and after school care programs;
- (r) school holiday vacation programs;
- (s) approved training contracts under the *Training and Tertiary Education Act 2003*;
- (t) legal services related to a child, provided by Legal Aid ACT;

Examples

1. providing advice to a child
2. representing a child in a legal matter
3. representing a person in a proceeding where a child is a witness

(u) anything else prescribed by regulation for this section.

(2) In this section:

childcare centre includes a childcare centre within the meaning of the Children and Young People Act 2008, section 733.

contact means any form of contact between a person and a child, and includes—

- (a) any form of physical contact; and
- (b) any form of oral communication, whether face-to-face or by telephone; and
- (c) any form of written communication, including electronic communication.

educational institutions for children include the following:

- (a) a government school or non-government school under the Education Act 2004;
- (b) a registered training organisation under the National Vocational Education and Training Regulator Act 2011 (Cwlth), section 3;
- (c) a registered higher education provider under the Tertiary Education Quality and Standards Agency Act 2011 (Cwlth).

education and care service—see the *Education and Care Services National Law (ACT)*, section 5.

Note The Education and Care Services National Law (ACT) Act 2011, s 6 applies the Education and Care Services National Law set out in the Education and Care Services National Law Act 2010 (Vic), schedule as if it were an ACT law called the *Education and Care Services National Law (ACT)*.

family day care scheme—see the Children and Young People Act 2008, section 734.

Legal Aid ACT—see the Legal Aid Act 1977, section 94 (Commission to operate as Legal Aid ACT).

school-crossing services means services provided by people to assist children to cross roads on their way to or from school.

125 When is a person engaged in child-related employment?

(1) A person is **engaged** in child-related employment if the person is—

- (a) an officer of a corporation that is engaged in child-related employment; or
- (b) a member of the committee of management of an unincorporated body or association that is engaged in child-related employment; or
- (c) a member of a partnership that is engaged in child-related employment.

(2) This section does not limit the circumstances in which a person can be taken to be engaged in child-related employment.

(3) In this section:

officer—

(a) for a corporation within the meaning of the Corporations Act—see the Corporations Act, section 9; and

(b) for any other corporation—means a person (by whatever name called) who is concerned, or takes part in, the management of the corporation.

126 Offence—offender must not apply for child-related employment

A registrable offender commits an offence if the offender—

- (a) applies for child-related employment; and
- (b) is reckless about whether the employment is child-related employment.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

127 Offence—offender must not engage in child-related employment

A registrable offender commits an offence if the offender engages in child-related employment.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

128 Offence—person in child-related employment must disclose charges

A person commits an offence if the person—

- (a) is engaged in child-related employment; and
- (b) is charged with a registrable offence; and
- (c) does not disclose the charge to the person's employer within 7 days after the day the person is charged with the registrable offence.

Maximum penalty: 50 penalty units.

130 Offence—person must disclose charges if applying for child-related employment

(1) A person commits an offence if—

- (a) a charge is pending against the person for a registrable offence; and
- (b) the person applies for child-related employment; and

(c) the person does not disclose the charge to the person's prospective employer when making the application.

Maximum penalty: 50 penalty units.

(2) A person commits an offence if—

(a) the person has applied for child-related employment; and

(b) the person is charged with a registrable offence while the application is still current; and

(c) the person does not disclose the charge to the person's prospective employer within 7 days after the day the person is charged with the registrable offence.

Maximum penalty: 50 penalty units.

Crimes (Child Sex Offenders) Regulation 2005 | HTML view

16C Child-related employment—Act, s 124 (1) (t)

The following events, activities or services are prescribed, if the event, activity or service is aimed at or designed to appeal to children, or has, or is likely to have significant attendance by children:

- (a) entertainment or party activities or services;
- (b) school events or activities;
- (c) sporting, gym or recreational activities;
- (d) photography services;
- (e) talent or beauty competitions;
- (f) promotional events or activities;
- (g) appearing as seasonal characters, or other characters.

Example—par (b)

- fetes

Example—par (f)

- toy exhibitions

Examples—par (g)