

## Child Protection (Working with Children) Act 2012 No 51

Part 3 Division 3 Section 15

### 15 Assessment of applicants and holders

- (1) The Children's Guardian must conduct a risk assessment of an applicant for a working with children check clearance, or the holder of a clearance, to determine whether the applicant or holder poses a risk to the safety of children if the Children's Guardian becomes aware that the applicant or holder is subject to an assessment requirement.
- (2) The Children's Guardian may conduct a risk assessment of the holder of a clearance if the Children's Guardian becomes aware that the decision to grant the clearance was based on wrong or incomplete information.
- (3) Subsections (1) and (2) do not limit the circumstances in which the Children's Guardian may conduct a risk assessment of an applicant or holder.
- (4) In making an assessment, the Children's Guardian may consider the following:
  - (a) the seriousness of any matters that caused the assessment in relation to the person,
  - (b) the period of time since those matters occurred and the conduct of the person since they occurred,
  - (c) the age of the person at the time the matters occurred,
  - (d) the age of each victim of any relevant offence or conduct at the time it occurred and any matters relating to the vulnerability of the victim,
  - (e) the difference in age between the victim and the person and the relationship (if any) between the victim and the person,
  - (f) whether the person knew, or could reasonably have known, that the victim was a child,
  - (g) the person's present age,
  - (h) the seriousness of the person's total criminal record and the conduct of the person since the matters occurred,
  - (i) the likelihood of any repetition by the person of the offences or conduct or of any other matters that caused the assessment and the impact on children of any such repetition,
  - (j) any information given in, or in relation to, the application,
  - (k) any other matters that the Children's Guardian considers necessary.
- (5) The Children's Guardian may, but is not required to, notify the holder of a clearance in writing if the Children's Guardian decides to conduct a risk assessment of the holder.