

TASMANIA

**REGISTRATION TO WORK WITH VULNERABLE
PEOPLE (NDIS DISQUALIFYING OFFENCES)
ORDER 2020**

STATUTORY RULES 2020, No. 99

CONTENTS

1. Short title
2. Commencement
3. Interpretation
4. Disqualifying offences

**REGISTRATION TO WORK WITH VULNERABLE
PEOPLE (NDIS DISQUALIFYING OFFENCES)
ORDER 2020**

I make the following order under section 54D 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 (NDIS Disqualifying Offences) 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. Interpretation

(1) In this order –

abduction or kidnapping offence means an offence under section 186, 189 or 191A of the *Criminal Code*, if the person

*Registration to Work with Vulnerable People (NDIS
Disqualifying Offences) Order 2020
Statutory Rules 2020, No. 99*

c. 3

convicted of the offence is not a parent of the victim to whom the offence relates;

at-risk person means an adult who is, or may be, unable to take care of himself or herself, or unable to protect himself or herself from harm or exploitation, due to age, illness or disability;

bestiality means an offence under section 122 of the *Criminal Code*;

child pornography-related offence means an offence under –

- (a) section 130, 130A, 130B, 130C or 130D of the *Criminal Code*; or
- (b) section 72A, 73, 73A or 74A of the *Classification (Publications, Films and Computer Games) Enforcement Act 1995*;

homicide-related offence means an offence under section 167A or 179 of the *Criminal Code*, if the person convicted of the offence intended to cause the death of the victim to whom the offence relates;

incest means an offence under section 133 of the *Criminal Code*;

murder means an offence under section 158 of the *Criminal Code*;

Registration to Work with Vulnerable People (NDIS Disqualifying Offences) Order 2020
Statutory Rules 2020, No. 99

c. 3

parent includes a guardian, within the meaning of the *Children, Young Persons and Their Families Act 1997*, a step-parent, a surrogate parent, an adoptive parent and a foster parent;

rape means an offence under section 185 of the *Criminal Code*;

serious assault means –

- (a) an offence under section 168, 169, 170(1), 170A, 172, 175, 178A, 178B, 183(a) or 184A of the *Criminal Code*; and
- (b) an offence under section 179 of the *Criminal Code*, if the person convicted of the offence did not intend to cause the death of the victim to whom the offence relates;

sexual assault means an offence under –

- (a) section 124, 125, 125B, 125C, 125D, 126, 127 or 129 of the *Criminal Code*; or
- (b) an offence under section 125A of the *Criminal Code* if –
 - (i) violence or coercion was used by the person convicted of the offence

*Registration to Work with Vulnerable People (NDIS
Disqualifying Offences) Order 2020
Statutory Rules 2020, No. 99*

c. 4

in the commission of the offence; and

(ii) the victim to whom the offence relates had not attained the age of 14 years at the time when the offence was committed; and

(iii) the person convicted of the offence was more than 5 years older than the victim to whom the offence relates;

(c) section 9 of the *Sex Industry Offences Act 2005*.

(2) The *Acts Interpretation Act 1931* applies to the interpretation of this order as if this order were by-laws.

4. Disqualifying offences

For the purposes of the definition of *disqualifying offence* in section 3 of the Act, the following offences, if committed by a person who is not a child, are specified to be disqualifying offences:

(a) murder, a homicide-related offence or attempting to commit murder under section 299 of the *Criminal Code*;

*Registration to Work with Vulnerable People (NDIS Disqualifying
Offences) Order 2020
Statutory Rules 2020, No. 99*

c. 4

- (b) serious assault against a child or at-risk person;
- (c) sexual assault or incest of a child or at-risk person, or rape;
- (d) a child-pornography-related offence;
- (e) an abduction or kidnapping offence, against a child or at-risk person involving a sexual or abusive element;
- (f) a bestiality offence;
- (g) an offence under a corresponding law that is substantially similar to an offence specified in paragraph (a), (b), (c), (d), (e) or (f).

*Registration to Work with Vulnerable People (NDIS
Disqualifying Offences) Order 2020
Statutory Rules 2020, No. 99*

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 specifies the offences that are disqualifying offences for the purposes of the *Registration to Work with Vulnerable People Act 2013*.