



New South Wales

Children’s Guardian and Other Legislation Amendment Bill 2026

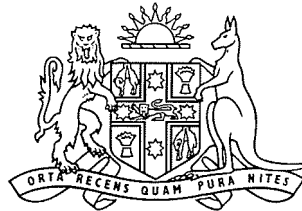
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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2026



New South Wales

Children's Guardian and Other Legislation Amendment Bill 2026

Act No , 2026

An Act to amend the *Children's Guardian Act 2019* in relation to the recommendations of a statutory review; to amend the *Child Protection (Working with Children) Act 2012* consequent on the commencement of the *Child Protection (Working with Children) and Other Legislation Amendment Act 2025*; and for related purposes.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Children's Guardian and Other Legislation Amendment Act 2026*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Child Protection (Working with Children) Act 2012 No 51

[1] Section 5 Definitions

Omit section 5(1), definition of *enabling order*.

Insert in alphabetical order—

mutual recognition negative notice—see section 25A.

[2] Section 25A Mutual recognition of refusal and cancellation of other jurisdictions' working with children check clearances

Omit section 25A(5)(a).

Insert instead—

- (a) until the mutual recognition negative notice has expired, or

[3] Section 25A(7) and (8)

Insert after section 25A(6)—

- (7) A reference to a mutual recognition negative notice does not include a reference to an action that arises solely as a result of—
 - (a) a mutual recognition negative notice in another jurisdiction, or
 - (b) an action taken in New South Wales in relation to the person's application or clearance, or
 - (c) the conditional grant in another jurisdiction of that jurisdiction's equivalent to a clearance.
- (8) In this section—

expiry, of a mutual recognition negative notice, means—

 - (a) for an action equivalent to an interim bar—the action has expired, or
 - (b) for any action—the action has been overturned or revoked, or
 - (c) the person the subject of the mutual recognition negative notice is later granted an equivalent to a clearance in the jurisdiction in which the mutual recognition negative notice occurred.

[4] Section 31 Powers of Children's Guardian to require production of information

Omit section 31(11), definition of *person*.

Insert instead—

person includes—

- (a) a person in another State or Territory, and
- (b) a government agency of the State or the Commonwealth or another State or Territory.

[5] Schedule 1 Assessment requirement triggers

Insert after the heading to the schedule—

section 14

[6] Schedule 2 Disqualifying offences

Insert after the heading to the schedule—

section 18

[7] Schedule 3 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part numbering—

**Part Provisions consequent on enactment of Children's
Guardian and Other Legislation Amendment Act
2026**

1 Definitions

In this part—

amendment Act means the *Children's Guardian and Other Legislation Amendment Act 2026*.

commencement date means the day on which this part commences.

**2 Persons entitled to make further application in relation to mutual recognition
negative notices**

- (1) This clause applies to a person whose application for a clearance is taken to be terminated, or whose clearance is taken to be cancelled, under section 25A—
 - (a) before the commencement date, and
 - (b) because of a mutual recognition negative notice, within the meaning of section 25A(1) before the commencement of the amendment Act, that has arisen solely as a result of—
 - (i) a mutual recognition negative notice in another jurisdiction, or
 - (ii) an action taken in New South Wales in relation to the person's application or clearance, or
 - (iii) the conditional grant in another jurisdiction of that jurisdiction's equivalent to a clearance.
- (2) The terminated application or cancelled clearance must be taken as not having been terminated or cancelled if the person was not notified, before the commencement date, by the Children's Guardian of the termination or cancellation.
- (3) A person whose application remains terminated or whose clearance remains cancelled is entitled, despite section 25A(5), to make a further application for a working with children check clearance unless the person is the subject of a mutual recognition negative notice within the meaning of section 25A as amended by the amendment Act.

Schedule 2 Amendment of Children's Guardian Act 2019 No 25

[1] Section 2 Commencement

Omit section 2(2).

Insert instead—

- (2) The following provisions commence as follows—
 - (a) for Schedule 5.10[5]—on 1 October 2027 or an earlier day or days to be appointed by proclamation,
 - (b) for Schedule 5.10[6]—on a day or days to be appointed by proclamation.

[2] Section 10 Definitions

Insert after the definition of *report*, paragraph (a)—

- (a1) a report made to the Children's Guardian under section 27(2)(b) or (3)(b), or

[3] Section 44 Preliminary inquiries

Omit “complaint or notification” wherever occurring in section 44(2) and (3).

Insert instead “complaint, notification or report”.

[4] Section 46 Children's Guardian may investigate or determine

Omit “report, complaint or notification” from section 46(1)(c).

Insert instead “complaint, notification or report”.

[5] Section 46(2)(b)

Omit “complaint or notification”.

Insert instead “complaint, notification or report”.

[6] Section 56 Reporting within the Office of the Children's Guardian

Omit section 56(2).

Insert instead—

- (2) Also, if, during the course of an investigation, the Children's Guardian is of the opinion there are likely to be grounds for imposing an interim bar, the Children's Guardian must refer information about the employee the subject of the investigation to the Working with Children Check Unit to consider an interim bar.

[7] Section 56(3)

Insert in alphabetical order—

interim bar has the same meaning as in the *Child Protection (Working with Children) Act 2012*.

[8] Section 115A

Insert after section 115—

115A Veto of proposed appointment as Children's Guardian

- (1) A person is not to be appointed as the Children's Guardian until—
 - (a) the Minister has referred to the Committee on Children and Young People a proposal that the person be appointed, and
 - (b) either—
 - (i) the period that the Committee has to veto the proposed appointment has ended without the Committee having vetoed the proposed appointment, or
 - (ii) the Committee notifies the Minister that it has decided not to veto the proposed appointment.
- (2) The Committee may, by notice to the Minister, veto the referral within—
 - (a) 14 days after receiving the referral (the *initial period*), or
 - (b) if the Committee notifies the Minister within the initial period that the Committee requires more time to consider the matter—a further 14 days after the initial period.
- (3) A person may be proposed for appointment on more than one occasion.
- (4) The Minister may withdraw the referral at any time.
- (5) A referral or notice under this section must be in writing.
- (6) In this section, a reference to appointment includes reappointment.

[9] Section 133

Omit the section.

Insert instead—

133 Delegation

- (1) The Children's Guardian may delegate a function of the Children's Guardian to an officer of the Children's Guardian.
- (2) However, the Children's Guardian must not delegate functions under Schedule 3, clause 1(2).
- (3) The power of delegation under this section cannot be delegated.
- (4) A delegation must be done by a written instrument of delegation.
- (5) An officer may delegate to an approved person a function delegated to the officer by the Children's Guardian if the instrument of delegation specifically authorises the officer to delegate the function.
- (6) In this section—

approved person means the following—

 - (a) an officer of the Children's Guardian,
 - (b) a person or class of persons prescribed by the regulations,
 - (c) a person or class of persons approved by the Children's Guardian.

[10] Sections 136(3) and 183A(3)

Omit the subsections.

[11] Schedule 5 Amendment of Acts and instruments

Omit Schedule 5.10[5].

Insert instead—

[5] Schedule 1 Entities

Insert at the end of the schedule, with appropriate item numbering—

an entity that provides overnight camps for children as a primary
function or activity of the entity

[12] Schedule 6 Dictionary

Insert in alphabetical order—

Committee on Children and Young People means the Parliamentary Joint
Committee constituted under the *Advocate for Children and Young People Act*
2014, section 36(1).

Schedule 3 Amendment of Children's Guardian Amendment Act 2025 No 46

Section 2 Commencement

Omit section 2(b).

Insert instead—

- (b) for Schedule 1[37]—on 1 October 2026 or an earlier day or days to be appointed by proclamation,
- (b1) for Schedule 1[52]—on 1 October 2027 or an earlier day or days to be appointed by proclamation,