

Electoral Act 2017

Approval of the form of the nomination paper for a registered political party to nominate candidates

1. Pursuant to section 84(1) and section 4 of the *Electoral Act 2017* the Electoral Commissioner is to approve the form of the nomination paper.
2. I approve the forms of the nomination paper as set out in Annexures 1 and 2.

Approval of the form of the child protection declaration

1. Pursuant to section 95(3) and section 4 of the *Electoral Act 2017* (**the Act**) the Electoral Commissioner (**the Commissioner**) is to approve the form of the child protection declaration.
2. I approve the form of the child protection declaration as set out in Annexures 1 and 2.


John Schmidt

Electoral Commissioner

3 February 2023

ANNEXURE 1

**SE.202 Registered political party candidate nomination and child protection
declaration**

Registered political party candidate nomination

NSW State election – current as at July 2022

Part 7 Divisions 3 and 4 of the *Electoral Act 2017*

This form **must** be accompanied by the following nominations deposit:

- Legislative Assembly: \$250 per candidate
- Legislative Council: \$500 per candidate capped at \$5,000 for a group of 10 or more.

It is the responsibility of candidates to ensure that all applicable forms and the deposit are lodged issue of the writ to 12 noon on nomination day.

Legislative Assembly nominations must be lodged with the election manager of the district being contested or at the NSW Electoral Commission head office. Legislative Council nominations must be lodged at NSW Electoral Commission head office. For further information visit elections.nsw.gov.au or call the candidate helpdesk 1300 022 011.

To gain access to the NSW Electoral Commission head office, please make an appointment via email candidates@elections.nsw.gov.au or call the candidate helpdesk 1300 022 011.

Privacy Statement: NSW Electoral Commission collects information on this form for the purposes of processing nominations, to contact candidates and nominators to send information, reminders or surveys about the election and to support our functions. Our staff and contractors have access to the information in this form. We may disclose this information to third-party providers to carry out our functions, and to others if legally required or authorised. We publish the candidate's name and enrolled suburb, town or locality on our website, and if elected, we provide the candidate's contact details to parliament. If the information required by this form is not provided, we may not be able to process this nomination. See the Privacy Management Plan on our [website](#) about access to and correcting your personal information.

Please print within the boxes using block letters.

Part A – Candidate details

<input type="text"/>	<input type="text"/>	<input type="text" value="/"/> <input type="text" value="/"/>
SURNAME OF CANDIDATE (AS ENROLLED)	GIVEN NAME(S) OF CANDIDATE (AS ENROLLED)	DATE OF BIRTH
<input type="text"/>	<input type="text"/>	<input type="text"/>
PLACE OF RESIDENCE (AS ENROLLED)	SUBURB	POSTCODE

I nominate for election as a member of the Legislative Council or Legislative Assembly in NSW for the following contest:

Legislative Council – New South Wales **OR** Legislative Assembly

ELECTORAL DISTRICT

Candidate contact details

For contact by the NSW Electoral Commission only (please print clearly).

<input type="text"/>	<input type="text"/>	<input type="text"/>
DAYTIME CONTACT PHONE	MOBILE NUMBER	EMAIL ADDRESS

For release to the public and the media via the NSW Electoral Commission website. You may complete none, some or all of these contact details. Please ensure you have approval from your employer if using work contact details.

<input type="text"/>	<input type="text"/>
DAYTIME CONTACT PHONE	EMAIL ADDRESS
<input type="text"/>	<input type="text"/>
MOBILE NUMBER	WEBSITE

Ballot paper details

Candidate name to appear on ballot paper:

<input type="text"/>	<input type="text"/>
SURNAME (AS ENROLLED)	FIRST NAME (ONE NAME OR ONE INITIAL OR ONE COMMONLY USED NAME)

I request that the full registered name **OR** the registered abbreviation of the registered political party be printed below the candidate's name on the ballot paper. (Please tick one box only).

NAME OF REGISTERED POLITICAL PARTY IN FULL

Part A – Candidate details

Candidate consent

I consent to the nomination for election, as applicable, as a member of the Legislative Council or the Legislative Assembly in NSW for the electoral district and the registered political party listed in part A of this form. I certify that the place of residence stated in part A of this form is my place of residence as enrolled.

SIGNATURE OF CANDIDATE

 /

DATE

ELECTION MANAGER/NSW ELECTORAL COMMISSION USE ONLY

ELECTION MANAGER OR NSW Electoral Commission HEAD OFFICE (AS APPLICABLE) TO COMPLETE

DATE RECEIVED TIME RECEIVED : am pm

DAY MONTH YEAR HOUR MINUTE

Nomination deposit paid Yes No

ELECTION MANAGER NAME

ELECTION MANAGER SIGNATURE

Part B – Registered political party nominator details

I am the registered officer **OR** deputy registered officer of the following registered political party
(please tick one box only).

SURNAME OF REGISTERED OFFICER/DEPUTY REGISTERED OFFICER

GIVEN NAME(S) OF REGISTERED OFFICER/DEPUTY REGISTERED OFFICER

NAME OF REGISTERED POLITICAL PARTY IN FULL

I hereby nominate

CANDIDATE NAME IN FULL

for the following contest:

(please tick one box only).

Legislative Council – New South Wales **or** Legislative Assembly

ELECTORAL DISTRICT

SIGNATURE OF REGISTERED OFFICER/DEPUTY REGISTERED OFFICER

DATE

Part C – Nomination deposit return

Deposit receipt No. (NSW Electoral Commission use only)

Payment Method Cash Bank cheque

Refund deposit

The nomination deposit will only be returned after the election in limited circumstances (please refer to the **Handbook for parties, groups, candidates and scrutineers SE.200** website for the rules on return of nomination deposits).

Tick one of the boxes below.

If entitled, the deposit is to be returned to:

- in the case of a candidate nominated by a registered political party – the registered political party
- in the case of a candidate nominated by 25 electors – the candidate or person authorised by the candidate
- in the case of a group of candidates for the Legislative Council election (where the group is not comprised wholly of candidates nominated by the same registered political party) – to a person authorised by all the members of the group to receive the deposit*
- in the case of a composite Legislative Council group – one of the registered political parties*

*In the case of a Legislative Council group please complete the nomination deposit return form attached to the **Request to form a group form SE.203**.

1. Details of person to receive nomination deposit return

Strike out whichever is inapplicable.

Name of Registered Party / Name of Group / Candidate

PARTY / GROUP / CANDIDATE

CONTACT NAME

POSTAL ADDRESS

SUBURB

STATE

POSTCODE

PHONE NUMBER

EMAIL ADDRESS FOR REMITTANCE ADVICE

AMOUNT OF NOMINATION DEPOSIT

2. Details of bank account

If following the election you are entitled to a return, your nomination fee will be returned to this bank account.

BANK NAME

BRANCH NAME

BANK ACCOUNT NAME

BSB NUMBER

BANK ACCOUNT NUMBER

SIGNATURE OF CANDIDATE

DATE

Part D – Child protection declaration

Candidate

All candidates for the Legislative Assembly and the Legislative Council are required by the *Electoral Act 2017* to make a child protection declaration.

Your nomination is not valid unless it is accompanied by this child protection declaration. Further information is available at elections.nsw.gov.au

This form is not legal advice

The *Electoral Act 2017* specifies what must be declared. The information in this form about what must be declared is intended as general guidance only. You should seek independent legal advice if you have any specific legal queries about whether any conviction, proceeding or order must be declared in your declaration.

Offences that must be included in declaration

Your declaration must state whether you have ever been convicted of any of the offences, or been the subject of any of the proceedings, listed in Schedules 1 and 2 to the *Child Protection (Working with Children) Act 2012* (NSW) which are set out below.

Offence for false statement and disqualification

A false statement on this form is an indictable offence with a maximum penalty of five (5) years imprisonment. If you are elected and convicted of that offence your seat will become vacant because of that conviction.

Candidate details

CANDIDATE SURNAME

CANDIDATE GIVEN NAME(S)

Contest: (please tick box as applicable).

Legislative Council – New South Wales

Legislative Assembly

ELECTORAL DISTRICT

DATE OF ELECTION

You must complete the declaration. If you declare that you have ever been subject to any of the relevant convictions, proceedings or orders, you must provide sufficient details to identify those offences, proceedings or orders.

(Answer questions 1-5 by ticking the relevant box).

1. Do you hold a working with children check clearance?

Yes No

WWCC NUMBER (OPTIONAL)

If no, have you made a current application for a working with children check clearance, being an application that has not been finally determined or withdrawn or terminated (see section 5(1) of the *Child Protection (Working with Children) Act 2012*)?

Yes No

WWCC APPLICATION NUMBER (OPTIONAL)

If yes, please provide details of that application:

2. Have you ever been refused a working with children check clearance?

Yes No

Part D – Child protection declaration

3. Have you ever been convicted of an offence listed in Schedules 1 and 2 to the *Child Protection (Working with Children) Act 2012*?

Yes No

If yes, please provide sufficient details below, including findings of guilt where no conviction was recorded, and the name under which convictions were or were not recorded:

Please attach a further sheet if additional space is required.

4. Have you ever been the subject of proceedings listed in Schedules 1 and 2 to the *Child Protection (Working with Children) Act 2012*?

Yes No

If yes, please provide sufficient details below, including the name under which those proceedings were commenced, including (but not limited to):

- (a) Charges laid against me that are currently before the courts;
- (b) Charges laid against me but withdrawn before or during trial;
- (c) Charges for which I was tried but found not guilty at trial;
- (d) Charges for which I was tried and convicted but found to be not guilty on appeal;
- (e) Charges for which I was found guilty but for which I was subsequently pardoned;
- (f) Any other charges or indictments not declared in the above categories.

Please attach a further sheet if additional space is required.

Part D – Child protection declaration

5. Have you ever had a relevant apprehended violence order* made against you?

Yes No

If yes, please provide sufficient details below, including the name under which those orders were made:

Please attach a further sheet if additional space is required.

*A relevant apprehended violence order is a final apprehended violence order made under the Crimes (*Domestic and Personal Violence*) Act 2007, or a final order made under Part 15A of the *Crimes Act 1900* before its repeal, being an order made on the application of a police officer or other public official for the protection of a child from sexual activity or sexual touching or a sexual act within the meaning of Division 10 of Part 3 of the *Crimes Act 1900*.

Candidate declaration

I declare that the answers I have made to questions 1 to 5 state the matters required to be stated under section 95 of the *Electoral Act 2017*.

Contest: (please tick box as applicable).

Legislative Council – New South Wales

Legislative Assembly

ELECTORAL DISTRICT

SURNAME OF CANDIDATE

GIVEN NAME(S) OF CANDIDATE

PLACE OF RESIDENCE (AS ENROLLED) **NOT FOR PUBLICATION ON WEBSITE**

SUBURB

POSTCODE

SIGNATURE OF CANDIDATE

DATE

Schedule 1 and 2 to the *Child Protection (Working with Children) Act 2012 (NSW)*

Schedule 1 Assessment requirement triggers

1. Offences

- (1) Proceedings have been commenced against a person:
 - (a) for an offence specified in clause 1 of Schedule 2, if the offence was committed as a child (whatever the outcome of the proceedings), or
 - (b) for an offence specified in clause 1 of Schedule 2, if the offence was committed as an adult, and the person is not because of those proceedings a disqualified person.
- (2) Proceedings have been commenced against a person for any of the following offences (whatever the outcome of those proceedings):
 - (a) an offence involving intentional wounding of, or causing bodily harm to, a child by an adult (other than an offence specified in clause 1 of Schedule 2),
 - (b) any sexual offence committed against, with or in the presence of a child, other than an offence specified in clause 1 of Schedule 2,
 - (c) an offence under section 38 or 38A of the *Crimes Act 1900* committed against a child,
 - (d) (Repealed)
 - (e) an offence under section 43B, 60E or 316A of the *Crimes Act 1900*,
 - (e1) an offence under section 66, 71, 72, 73 (before its substitution by the *Crimes Amendment (Sexual Offences) Act 2003*) or 74 of the *Crimes Act 1900* (other than an offence specified in clause 1 (1) (g1) of Schedule 2),
 - (f) an offence under section 13 of the *Crimes (Domestic and Personal Violence) Act 2007* committed against a child,
 - (g) an offence under section 6 of the *Prevention of Cruelty to Animals Act 1979*.
- (3) Proceedings have been commenced against a person for any of the following offences (other than where a person has been found not guilty of the offence concerned):
 - (a) an offence under section 43A of the *Crimes Act 1900*,
 - (b) an offence under section 44 of the *Crimes Act 1900* committed against a child,
 - (c) an offence under section 227, 228 or 231 of the *Children and Young Persons (Care and Protection) Act 1998*,
 - (d) an offence under section 530 of the *Crimes Act 1900*,
 - (e) an offence under section 23A, 24 (1A) or (2A) or 25 (1A) of the *Drug Misuse and Trafficking Act 1985*,
 - (f) any other offence, whether under the law of New South Wales or elsewhere, prescribed by the regulations for the purposes of this subclause.
- (4) A person has been convicted of any of the following offences:
 - (a) an offence involving intentional wounding, or causing bodily harm, being an offence committed against a child while the person was a child,
 - (b) an offence under section 39 or 41 of the *Crimes Act 1900*, being an offence committed against a child while the person was an adult,
 - (c) an offence under section 61 of the *Crimes Act 1900*, being an offence committed against a child,
 - (d) an offence under section 91P, 91Q or 91R (1) or (2) of the *Crimes Act 1900*, being an offence committed against a child while the person was an adult,
 - (e) an offence under section 195 (1) (b), 195 (1A) (b), 195 (2) (b), 196 (1) (b), 196 (2) (b), 197 (1) (b), 197 (2) (b) or 203E of the *Crimes Act 1900*.
- (4A) (Repealed)
- (5) Subclauses (1), (2), (3) and (4) apply to:
 - (a) an offence an element of which is an intention to commit an offence of a kind listed in those subclauses, and
 - (b) an offence under a law other than a law of New South Wales that is an offence similar to an offence listed in those subclauses, and
 - (c) an offence of attempting, or of conspiracy or incitement, to commit an offence listed in those subclauses, in the same way that they apply to the offences listed in those subclauses.
- (6) A person has been convicted of, or proceedings have been commenced against a person for, offences involving violence or sexual misconduct (whether or not listed in this Schedule or Schedule 2) sufficient to indicate a pattern of behaviour that warrants investigation as to whether it may cause a risk to the safety of children.
- (7) An offence is not specified for the purposes of this clause if it was an offence specified in this clause at the time of its commission and the conduct has ceased to be an offence in New South Wales.

2. Findings of misconduct involving children

A person has been the subject of a finding by a reporting body that the person engaged in the following conduct:

- (a) sexual misconduct committed against, with or in the presence of a child, including grooming of a child,
- (b) any serious physical assault of a child.

2A Notification by Ombudsman

- (1) A person has been the subject of a notification of concern to the Children's Guardian by the Ombudsman that, on a risk assessment by the Children's Guardian, the Children's Guardian may be satisfied that the person poses a risk to the safety of children.
- (2) A "notification of concern" is a notification made by the Ombudsman as a result of concerns arising from the receipt of information by the Ombudsman in the course of exercising the Ombudsman's functions.

3. Application of Schedule

This Schedule applies to offences and other matters whether occurring before, on or after the commencement of this Schedule.

Schedule 2 Disqualifying offences

1. Specified offences

- (1) The following offences are specified:
 - (a) murder,
 - (b) manslaughter of a child (other than as a result of a motor vehicle accident),
 - (c) an offence involving intentional wounding of, or intentional causing of grievous bodily harm to, a child by an adult who is more than 3 years older than the victim,
 - (d) an offence under section 61B, 61C, 61D, 61E or 61F of the *Crimes Act 1900*,
 - (e) an offence under section 61I, 61J, 61JA, 61K, 61KC, 61KD, 61KE, 61KF, 61L, 61M, 61N, 61O or 61P of the *Crimes Act 1900*,
 - (f) the common law offence of rape or attempted rape,
 - (g) an offence under section 65A of the *Crimes Act 1900*,
 - (g1) an offence under section 66, 71, 72, 73 (before its substitution by the *Crimes Amendment (Sexual Offences) Act 2003*) or 74 of the *Crimes Act 1900*, where the person against whom the offence is committed is a child under the age of 13 years or where the person found guilty of the offence received a sentence of full time custody for the offence,
 - (h) an offence under section 66A, 66B, 66C, 66D, 66DA, 66DB, 66DC, 66DD, 66DE, 66DF, 66EA, 66EB, 66EC, 66F, 73 or 73A of the *Crimes Act 1900*,
 - (i) an offence under section 67, 68, 76 or 76A of the *Crimes Act 1900*,
 - (j) an offence under section 78A, 78B or 79 of the *Crimes Act 1900*,
 - (k) an offence under section 78H, 78I, 78K, 78L, 78N, 78O, 78Q or 81 of the *Crimes Act 1900*,
 - (l) an offence under section 80A, 80D or 80E of the *Crimes Act 1900*,
 - (m) an offence under section 86 of the *Crimes Act 1900* where the person against whom the offence is committed is a child, except where the person found guilty of the offence was, when the offence was committed or at some earlier time, a parent or carer of the child,
 - (n) an offence under section 91D, 91E, 91F, 91G or 91H of the *Crimes Act 1900* (other than an offence committed by a child prostitute),
 - (o) an offence under section 42 or 43 of the *Crimes Act 1900*,
 - (o1) an offence under section 45 or 45A of the *Crimes Act 1900* where the person against whom the offence is committed is a child,
 - (p) an offence under section 91J, 91K or 91L of the *Crimes Act 1900*,
 - (q) an offence under section 21G of the *Summary Offences Act 1988* or section 91M of the *Crimes Act 1900* where the person intended to be observed or filmed was a child,
 - (r) an offence against section 272.8, 272.10 (if it relates to an underlying offence against section 272.8) or 272.11 of the *Criminal Code* of the Commonwealth,
 - (s) an offence against section 272.9, 272.10 (if it relates to an underlying offence against section 272.9), 272.14 or 272.15 of the *Criminal Code* of the Commonwealth,
 - (t) an offence against section 272.18, 272.19 or 272.20 of the *Criminal Code* of the Commonwealth if it relates to another offence listed in this Schedule,
 - (u) an offence against section 270.6A or 270.7 of the *Criminal Code* of the Commonwealth where the person against whom the offence is committed is a child,
 - (v) an offence against section 233BAB of the *Customs Act 1901* of the Commonwealth involving items of child pornography or of child abuse material,
 - (w) an offence against section 471.16, 471.17, 471.19, 471.20 or 471.22 of the *Criminal Code* of the Commonwealth,
 - (x) an offence against section 471.24, 471.25 or 471.26 of the *Criminal Code* of the Commonwealth,
 - (y) an offence under section 578B or 578C (2A) of the *Crimes Act 1900*,
 - (z) an offence under a law of another State or a Territory, the Commonwealth or a foreign jurisdiction that, if committed in New South Wales, would constitute an offence listed in this clause,
 - aa) an offence an element of which is an intention to commit an offence of a kind listed in this clause,
 - ab) an offence of attempting, or of conspiracy or incitement, to commit an offence of a kind listed in this clause,
 - ac) any other offence that is a registrable offence within the meaning of the *Child Protection (Offenders Registration) Act 2000*, if the offence was committed as an adult.
- (2) This clause applies to convictions or proceedings for offences whether occurring before, on or after the commencement of this clause.

2. Excluded offences

An offence is not specified for the purposes of this Schedule if it was an offence specified in this Schedule at the time of its commission and the conduct has ceased to be an offence in New South Wales.

ANNEXURE 2

**SE.202A Registered political party candidate nomination
Child protection declaration**

Registered political party candidate nomination

NSW State election – current as at July 2022

Part 7 Divisions 3 and 4 of the *Electoral Act 2017*

This form **must** be accompanied by the following nominations deposit:

- Legislative Assembly: \$250 per candidate
- Legislative Council: \$500 per candidate capped at \$5,000 for a group of 10 or more.

It is the responsibility of candidates to ensure that all applicable forms and the deposit are lodged issue of the writ to 12 noon on nomination day.

Legislative Assembly nominations must be lodged with the election manager of the district being contested or at the NSW Electoral Commission head office. Legislative Council nominations must be lodged at NSW Electoral Commission head office. For further information visit elections.nsw.gov.au or call the candidate helpdesk 1300 022 011.

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Privacy Statement: NSW Electoral Commission collects information on this form for the purposes of processing nominations, to contact candidates and nominators to send information, reminders or surveys about the election and to support our functions. Our staff and contractors have access to the information in this form. We may disclose this information to third-party providers to carry out our functions, and to others if legally required or authorised. We publish the candidate’s name and enrolled suburb, town or locality on our website, and if elected, we provide the candidate’s contact details to parliament. If the information required by this form is not provided, we may not be able to process this nomination. See the Privacy Management Plan on our [website](#) about access to and correcting your personal information.

Please print within the boxes using block letters.

Candidate details		
<input type="text"/>	<input type="text"/>	<input type="text"/> / <input type="text"/> / <input type="text"/>
SURNAME OF CANDIDATE (AS ENROLLED)	GIVEN NAME(S) OF CANDIDATE (AS ENROLLED)	DATE OF BIRTH
<input type="text"/>	<input type="text"/>	<input type="text"/>
PLACE OF RESIDENCE (AS ENROLLED)	SUBURB	POSTCODE
I nominate for election as a member of the Legislative Council or Legislative Assembly in NSW for the following contest:		
<input type="checkbox"/> Legislative Council – New South Wales	OR	<input type="checkbox"/> Legislative Assembly
		<input type="text"/>
		ELECTORAL DISTRICT
Candidate contact details		
For contact by the NSW Electoral Commission only (please print clearly).		
<input type="text"/>	<input type="text"/>	<input type="text"/>
DAYTIME CONTACT PHONE	MOBILE NUMBER	EMAIL ADDRESS
For release to the public and the media via the NSW Electoral Commission website. You may complete none, some or all of these contact details. Please ensure you have approval from your employer if using work contact details.		
<input type="text"/>	<input type="text"/>	
DAYTIME CONTACT PHONE	EMAIL ADDRESS	
<input type="text"/>	<input type="text"/>	
MOBILE NUMBER	WEBSITE	
Ballot paper details		
Candidate name to appear on ballot paper:		
<input type="text"/>	<input type="text"/>	
SURNAME (AS ENROLLED)	FIRST NAME (ONE NAME OR ONE INITIAL OR ONE COMMONLY USED NAME)	
I request that the <input type="checkbox"/> full registered name OR <input type="checkbox"/> the registered abbreviation of the registered political party be printed below the candidate’s name on the ballot paper. (Please tick one box only).		
<input type="text"/>		
NAME OF REGISTERED POLITICAL PARTY IN FULL		

Candidate details

Candidate consent

I consent to the nomination for election, as applicable, as a member of the Legislative Council or the Legislative Assembly in NSW for the electoral district and the registered political party listed in part A of this form. I certify that the place of residence stated in part A of this form is my place of residence as enrolled.

SIGNATURE OF CANDIDATE

 / /

DATE

ELECTION MANAGER/NSW ELECTORAL COMMISSION USE ONLY

ELECTION MANAGER OR NSW Electoral Commission HEAD OFFICE (AS APPLICABLE) TO COMPLETE

DATE RECEIVED TIME RECEIVED : am pm
DAY MONTH YEAR HOUR MINUTE

Nomination deposit paid Yes No

ELECTION MANAGER NAME

ELECTION MANAGER SIGNATURE

Registered political party nominator details

I am the registered officer **OR** deputy registered officer of the following registered political party
(please tick one box only).

SURNAME OF REGISTERED OFFICER/DEPUTY REGISTERED OFFICER

GIVEN NAME(S) OF REGISTERED OFFICER/DEPUTY REGISTERED OFFICER

NAME OF REGISTERED POLITICAL PARTY IN FULL

I hereby nominate

CANDIDATE NAME IN FULL

for the following contest:

(please tick one box only).

 Legislative Council - New South Wales **or** Legislative Assembly

ELECTORAL DISTRICT

SIGNATURE OF REGISTERED OFFICER/DEPUTY REGISTERED OFFICER

 / /

DATE

Child protection declaration

Candidate

All candidates for the Legislative Assembly and the Legislative Council are required by the *Electoral Act 2017* to make a child protection declaration.

Your nomination is not valid unless it is accompanied by this child protection declaration. Further information is available at elections.nsw.gov.au

This form is not legal advice

The *Electoral Act 2017* specifies what must be declared. The information in this form about what must be declared is intended as general guidance only. You should seek independent legal advice if you have any specific legal queries about whether any conviction, proceeding or order must be declared in your declaration.

Offences that must be included in declaration

Your declaration must state whether you have ever been convicted of any of the offences, or been the subject of any of the proceedings, listed in Schedules 1 and 2 to the *Child Protection (Working with Children) Act 2012* (NSW) which are set out below.

Offence for false statement and disqualification

A false statement on this form is an indictable offence with a maximum penalty of five (5) years imprisonment. If you are elected and convicted of that offence your seat will become vacant because of that conviction.

Candidate details

CANDIDATE SURNAME CANDIDATE GIVEN NAME(S)

Contest: (please tick box as applicable).

Legislative Council – New South Wales

Legislative Assembly

ELECTORAL DISTRICT

DATE OF ELECTION

You must complete the declaration. If you declare that you have ever been subject to any of the relevant convictions, proceedings or orders, you must provide sufficient details to identify those offences, proceedings or orders.
(Answer questions 1-5 by ticking the relevant box).

1. Do you hold a working with children check clearance?

Yes No

WWCC NUMBER (OPTIONAL)

If no, have you made a current application for a working with children check clearance, being an application that has not been finally determined or withdrawn or terminated (see section 5(1) of the *Child Protection (Working with Children) Act 2012*)?

Yes No

WWCC APPLICATION NUMBER (OPTIONAL)

If yes, please provide details of that application:

2. Have you ever been refused a working with children check clearance?

Yes No

Child protection declaration

3. Have you ever been convicted of an offence listed in Schedules 1 and 2 to the *Child Protection (Working with Children) Act 2012*?

Yes No

If yes, please provide sufficient details below, including findings of guilt where no conviction was recorded, and the name under which convictions were or were not recorded:

Please attach a further sheet if additional space is required.

4. Have you ever been the subject of proceedings listed in Schedules 1 and 2 to the *Child Protection (Working with Children) Act 2012*?

Yes No

If yes, please provide sufficient details below, including the name under which those proceedings were commenced, including (but not limited to):

- (a) Charges laid against me that are currently before the courts;
- (b) Charges laid against me but withdrawn before or during trial;
- (c) Charges for which I was tried but found not guilty at trial;
- (d) Charges for which I was tried and convicted but found to be not guilty on appeal;
- (e) Charges for which I was found guilty but for which I was subsequently pardoned;
- (f) Any other charges or indictments not declared in the above categories.

Please attach a further sheet if additional space is required.

Child protection declaration

5. Have you ever had a relevant apprehended violence order* made against you?

Yes No

If yes, please provide sufficient details below, including the name under which those orders were made:

Please attach a further sheet if additional space is required.

*A relevant apprehended violence order is a final apprehended violence order made under the Crimes (*Domestic and Personal Violence*) Act 2007, or a final order made under Part 15A of the *Crimes Act 1900* before its repeal, being an order made on the application of a police officer or other public official for the protection of a child from sexual activity or sexual touching or a sexual act within the meaning of Division 10 of Part 3 of the *Crimes Act 1900*.

Candidate declaration

I declare that the answers I have made to questions 1 to 5 state the matters required to be stated under section 95 of the *Electoral Act 2017*.

Contest: (please tick box as applicable).

Legislative Council – New South Wales

Legislative Assembly

ELECTORAL DISTRICT

SURNAME OF CANDIDATE

GIVEN NAME(S) OF CANDIDATE

PLACE OF RESIDENCE (AS ENROLLED) **NOT FOR PUBLICATION ON WEBSITE**

SUBURB

POSTCODE

SIGNATURE OF CANDIDATE

DATE

Schedule 1 and 2 to the *Child Protection (Working with Children) Act 2012 (NSW)*

Schedule 1 Assessment requirement triggers

1. Offences

- (1) Proceedings have been commenced against a person:
 - (a) for an offence specified in clause 1 of Schedule 2, if the offence was committed as a child (whatever the outcome of the proceedings), or
 - (b) for an offence specified in clause 1 of Schedule 2, if the offence was committed as an adult, and the person is not because of those proceedings a disqualified person.
- (2) Proceedings have been commenced against a person for any of the following offences (whatever the outcome of those proceedings):
 - (a) an offence involving intentional wounding of, or causing bodily harm to, a child by an adult (other than an offence specified in clause 1 of Schedule 2),
 - (b) any sexual offence committed against, with or in the presence of a child, other than an offence specified in clause 1 of Schedule 2,
 - (c) an offence under section 38 or 38A of the *Crimes Act 1900* committed against a child,
 - (d) (Repealed)
 - (e) an offence under section 43B, 60E or 316A of the *Crimes Act 1900*,
 - (e1) an offence under section 66, 71, 72, 73 (before its substitution by the *Crimes Amendment (Sexual Offences) Act 2003*) or 74 of the *Crimes Act 1900* (other than an offence specified in clause 1 (1) (g1) of Schedule 2),
 - (f) an offence under section 13 of the *Crimes (Domestic and Personal Violence) Act 2007* committed against a child,
 - (g) an offence under section 6 of the *Prevention of Cruelty to Animals Act 1979*.
- (3) Proceedings have been commenced against a person for any of the following offences (other than where a person has been found not guilty of the offence concerned):
 - (a) an offence under section 43A of the *Crimes Act 1900*,
 - (b) an offence under section 44 of the *Crimes Act 1900* committed against a child,
 - (c) an offence under section 227, 228 or 231 of the *Children and Young Persons (Care and Protection) Act 1998*,
 - (d) an offence under section 530 of the *Crimes Act 1900*,
 - (e) an offence under section 23A, 24 (1A) or (2A) or 25 (1A) of the *Drug Misuse and Trafficking Act 1985*,
 - (f) any other offence, whether under the law of New South Wales or elsewhere, prescribed by the regulations for the purposes of this subclause.
- (4) A person has been convicted of any of the following offences:
 - (a) an offence involving intentional wounding, or causing bodily harm, being an offence committed against a child while the person was a child,
 - (b) an offence under section 39 or 41 of the *Crimes Act 1900*, being an offence committed against a child while the person was an adult,
 - (c) an offence under section 61 of the *Crimes Act 1900*, being an offence committed against a child,
 - (d) an offence under section 91P, 91Q or 91R (1) or (2) of the *Crimes Act 1900*, being an offence committed against a child while the person was an adult,
 - (e) an offence under section 195 (1) (b), 195 (1A) (b), 195 (2) (b), 196 (1) (b), 196 (2) (b), 197 (1) (b), 197 (2) (b) or 203E of the *Crimes Act 1900*.
- (4A) (Repealed)
- (5) Subclauses (1), (2), (3) and (4) apply to:
 - (a) an offence an element of which is an intention to commit an offence of a kind listed in those subclauses, and
 - (b) an offence under a law other than a law of New South Wales that is an offence similar to an offence listed in those subclauses, and
 - (c) an offence of attempting, or of conspiracy or incitement, to commit an offence listed in those subclauses, in the same way that they apply to the offences listed in those subclauses.
- (6) A person has been convicted of, or proceedings have been commenced against a person for, offences involving violence or sexual misconduct (whether or not listed in this Schedule or Schedule 2) sufficient to indicate a pattern of behaviour that warrants investigation as to whether it may cause a risk to the safety of children.
- (7) An offence is not specified for the purposes of this clause if it was an offence specified in this clause at the time of its commission and the conduct has ceased to be an offence in New South Wales.

2. Findings of misconduct involving children

A person has been the subject of a finding by a reporting body that the person engaged in the following conduct:

- (a) sexual misconduct committed against, with or in the presence of a child, including grooming of a child,
- (b) any serious physical assault of a child.

2A Notification by Ombudsman

- (1) A person has been the subject of a notification of concern to the Children's Guardian by the Ombudsman that, on a risk assessment by the Children's Guardian, the Children's Guardian may be satisfied that the person poses a risk to the safety of children.
- (2) A "notification of concern" is a notification made by the Ombudsman as a result of concerns arising from the receipt of information by the Ombudsman in the course of exercising the Ombudsman's functions.

3. Application of Schedule

This Schedule applies to offences and other matters whether occurring before, on or after the commencement of this Schedule.

Schedule 2 Disqualifying offences

1. Specified offences

- (1) The following offences are specified:
- (a) murder,
 - (b) manslaughter of a child (other than as a result of a motor vehicle accident),
 - (c) an offence involving intentional wounding of, or intentional causing of grievous bodily harm to, a child by an adult who is more than 3 years older than the victim,
 - (d) an offence under section 61B, 61C, 61D, 61E or 61F of the *Crimes Act 1900*,
 - (e) an offence under section 61I, 61J, 61JA, 61K, 61KC, 61KD, 61KE, 61KF, 61L, 61M, 61N, 61O or 61P of the *Crimes Act 1900*,
 - (f) the common law offence of rape or attempted rape,
 - (g) an offence under section 65A of the *Crimes Act 1900*,
 - (g1) an offence under section 66, 71, 72, 73 (before its substitution by the *Crimes Amendment (Sexual Offences) Act 2003*) or 74 of the *Crimes Act 1900*, where the person against whom the offence is committed is a child under the age of 13 years or where the person found guilty of the offence received a sentence of full time custody for the offence,
 - (h) an offence under section 66A, 66B, 66C, 66D, 66DA, 66DB, 66DC, 66DD, 66DE, 66DF, 66EA, 66EB, 66EC, 66F, 73 or 73A of the *Crimes Act 1900*,
 - (i) an offence under section 67, 68, 76 or 76A of the *Crimes Act 1900*,
 - (j) an offence under section 78A, 78B or 79 of the *Crimes Act 1900*,
 - (k) an offence under section 78H, 78I, 78K, 78L, 78N, 78O, 78Q or 81 of the *Crimes Act 1900*,
 - (l) an offence under section 80A, 80D or 80E of the *Crimes Act 1900*,
 - (m) an offence under section 86 of the *Crimes Act 1900* where the person against whom the offence is committed is a child, except where the person found guilty of the offence was, when the offence was committed or at some earlier time, a parent or carer of the child,
 - (n) an offence under section 91D, 91E, 91F, 91G or 91H of the *Crimes Act 1900* (other than an offence committed by a child prostitute),
 - (o) an offence under section 42 or 43 of the *Crimes Act 1900*,
 - (o1) an offence under section 45 or 45A of the *Crimes Act 1900* where the person against whom the offence is committed is a child,
 - (p) an offence under section 91J, 91K or 91L of the *Crimes Act 1900*,
 - (q) an offence under section 21G of the *Summary Offences Act 1988* or section 91M of the *Crimes Act 1900* where the person intended to be observed or filmed was a child,
 - (r) an offence against section 272.8, 272.10 (if it relates to an underlying offence against section 272.8) or 272.11 of the *Criminal Code* of the Commonwealth,
 - (s) an offence against section 272.9, 272.10 (if it relates to an underlying offence against section 272.9), 272.14 or 272.15 of the *Criminal Code* of the Commonwealth,
 - (t) an offence against section 272.18, 272.19 or 272.20 of the *Criminal Code* of the Commonwealth if it relates to another offence listed in this Schedule,
 - (u) an offence against section 270.6A or 270.7 of the *Criminal Code* of the Commonwealth where the person against whom the offence is committed is a child,
 - (v) an offence against section 233BAB of the *Customs Act 1901* of the Commonwealth involving items of child pornography or of child abuse material,
 - (w) an offence against section 471.16, 471.17, 471.19, 471.20 or 471.22 of the *Criminal Code* of the Commonwealth,
 - (x) an offence against section 471.24, 471.25 or 471.26 of the *Criminal Code* of the Commonwealth,
 - (y) an offence under section 578B or 578C (2A) of the *Crimes Act 1900*,
 - (z) an offence under a law of another State or a Territory, the Commonwealth or a foreign jurisdiction that, if committed in New South Wales, would constitute an offence listed in this clause,
 - aa) an offence an element of which is an intention to commit an offence of a kind listed in this clause,
 - ab) an offence of attempting, or of conspiracy or incitement, to commit an offence of a kind listed in this clause,
 - ac) any other offence that is a registrable offence within the meaning of the *Child Protection (Offenders Registration) Act 2000*, if the offence was committed as an adult.
- (2) This clause applies to convictions or proceedings for offences whether occurring before, on or after the commencement of this clause.

2. Excluded offences

An offence is not specified for the purposes of this Schedule if it was an offence specified in this Schedule at the time of its commission and the conduct has ceased to be an offence in New South Wales.