

Table of issues raised in submissions

Issue raised	Commission's response
<p>1. <i>Bus and taxi drivers authorised under the Passenger Transport Act 1990 be excluded from the Regulation as they undergo criminal record checks which are monitored through daily Police reports. Their authorisations must be renewed every three years.</i></p>	<p><i>Supported – amendment recommended. Under the Passenger Transport Act 1990 a person who drives a bus or taxi without authorisation is guilty of an offence. In order to be authorised the driver must undergo criminal record checks and will be refused an authorisation, which essentially means they cannot be employed to drive, if they are found to be risk because of their record. This is consistent with the effects of the WWC background check. This amendment will reduce red tape for those applying to be bus and taxi drivers and renewing their authorisations, consistent with NSW Government policy.</i></p>
<p>2. <i>Police are currently examining outsourcing the issuing of their National Criminal History Record Check and the certificate for self employed people.</i></p>	<p><i>Supported – amendment recommended. This provides the Commissioner with flexibility to determine the most appropriate places for applications to be made without the need for amending the Regulation each time the nominated places are changed. This amendment will reduce red tape.</i></p>
<p>3. <i>Cl. 11 be expanded to allow a police officer or an authorised officer of the Commission to demand that a certificate be produced upon request.</i></p>	<p><i>Supported – amendment recommended. This amendment will assist with enforcement of the Regulation, providing better protection for children.</i></p>
<p>4. <i>A power be included to allow the Commission to lapse an application after three months from the date it was made where it is unable to determine an applicant's status.</i></p>	<p><i>Supported – amendment recommended. This amendment will provide better protection for children as it will allow the Commission to lapse an application where an applicant's record is uncertain and they may be a risk to children.</i></p>

Table of other minor clarifications

Clarification requested	Clarification made
<i>1. Any conditions that the certificate is subject to should not be contained in the certificate.</i>	<i>Note to clause 6(5) provides that the details of conditions may be viewed on the Commission's website</i>
<i>2. The need for background checking to be specifically excluded in relation to work performed by a self employed person.</i>	<i>Note to clause 13 clarifies this issue.</i>
<i>3. Third parties such as P & C Associations to be aware of when they function as an employer and need to background check and when they function as an agent for a self employed person and need to sight a certificate.</i>	<i>Note to clause 13.</i>
<i>4. Date of commencement of penalty provisions to be 1 May 2010.</i>	<i>Clauses 10(6) and 11(7)</i>