



Commission for Children and Young People Amendment (Employment Screening) Regulation 2002

under the

Commission for Children and Young People Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Commission for Children and Young People Act 1998*.

BOB CARR, M.P.,
Premier

Explanatory note

Part 7 of the *Commission for Children and Young People Act 1998* contains requirements relating to the employment screening by employers of persons seeking to be employed in child-related employment. Those requirements include an obligation to check for relevant criminal records, apprehended violence orders and disciplinary proceedings relating to the proposed employee.

The objects of this Regulation are:

- (a) to exclude certain apprehended violence orders from those requirements, being orders that were made more than 5 years before the commencement of the employment screening provisions and interstate orders that have not been registered in this State, and
- (b) to exclude certain criminal records relating to offences committed outside New South Wales that the Commission for Children and Young People are not able to access.

This Regulation is made under the *Commission for Children and Young People Act 1998*, including sections 33 (2) and 51 (the general regulation-making power).

2002 No 519

Clause 1 Commission for Children and Young People Amendment (Employment Screening) Regulation 2002

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1 Name of Regulation

This Regulation is the *Commission for Children and Young People Amendment (Employment Screening) Regulation 2002*.

2 Commencement

This Regulation commences on 19 July 2002.

3 Amendment of Commission for Children and Young People Regulation 2000

The *Commission for Children and Young People Regulation 2000* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment

(Clause 3)

Clauses 9 and 10

Insert after clause 8:

9 Meaning of “relevant apprehended violence order”

For the purposes of Part 7 of the Act, the following are not relevant apprehended violence orders:

- (a) an apprehended violence order made by a court before 3 July 1995 under Part 15A of the *Crimes Act 1900*,
- (b) an external protection order (within the meaning of section 562RA of the *Crimes Act 1900*) made before 3 July 1995,
- (c) an external protection order (within the meaning of section 562RA of the *Crimes Act 1900*) that is not registered under Division 3 of Part 15A of that Act.

10 Meaning of “relevant criminal record”

- (1) This clause applies to a criminal record of a registrable person within the meaning of the *Child Protection (Offenders Registration) Act 2000*, but only to the extent to which the record relates to a registrable offence (within the meaning of that Act) that was committed elsewhere than in New South Wales.
- (2) For the purposes of Part 7 of the Act, a criminal record to which this clause applies is not a relevant criminal record if the Commission, or an employer or employer-related body referred to in section 37 (4) (b) of the Act, is unable to obtain access to the record (whether because the record cannot be released under the law of the jurisdiction in which the offence concerned was committed or for any other reason).

BY AUTHORITY