



New South Wales

# Commission for Children and Young People Amendment (Employment Screening) Regulation 2004

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*.

CARMEL TEBBUTT, M.L.C.,

Minister for Youth

## Explanatory note

Part 7 of the *Commission for Children and Young People Act 1998* provides for employment screening for child-related employment administered by the Commission for Children and Young People and other agencies. As part of that process, the Commission is required to be notified of relevant criminal records and disciplinary proceedings involving child abuse, sexual misconduct and acts of violence by employees. The *Child Protection Legislation Amendment Act 2003* amends Part 7 to (among other things) replace the terms *relevant disciplinary proceedings* and *child abuse* with the terms *relevant employment proceedings* and *reportable conduct* and to alter the duties of employers to report on completed relevant employment proceedings by removing the obligation to report a finding that reportable conduct, or an act of violence, did not occur.

The object of this Regulation is to substitute clause 8 of the *Commission for Children and Young People Regulation 2000* (which excludes certain disciplinary proceedings from the meaning of *relevant disciplinary proceedings* for the purposes of Part 7) to remove those of its references and provisions made redundant by the amendments referred to above.

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

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### **1 Name of Regulation**

This Regulation is the *Commission for Children and Young People Amendment (Employment Screening) Regulation 2004*.

### **2 Commencement**

This Regulation commences on 23 April 2004.

### **3 Amendment of Commission for Children and Young People Regulation 2000**

The *Commission for Children and Young People Regulation 2000* is amended by omitting clause 8 and by inserting instead:

#### **8 Meaning of “relevant employment proceedings” not to include certain disciplinary proceedings**

For the purposes of Part 7 of the Act, disciplinary proceedings are not relevant employment proceedings if there has been a finding in the proceedings that the allegations in respect of which they were brought were vexatious or misconceived.

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BY AUTHORITY