



# Commission for Children and Young People Regulation 2000

under the

Commission for Children and Young People Act 1998

His 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

The objects of this Regulation are:

- (a) to provide that a person who has a substantial and direct interest in a hearing held before the Commission for Children and Young People for the purposes of a special inquiry under the *Commission for Children and Young People Act 1998* may appear at the hearing if authorised by the Commission, and
- (b) to provide that a person only has a right to legal representation in such a hearing if authorised by the Commission, and
- (c) to enable the Commission to give directions placing restrictions on the publication of certain information relating to private hearings, and
- (d) to exclude certain disciplinary proceedings that are based on false, vexatious or misconceived allegations or do not involve children from the definition of ***disciplinary proceedings*** for the purposes of Part 7 of that Act (which relates to employment screening).

## **2000 No 247**

Commission for Children and Young People Regulation 2000

Explanatory note

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This Regulation comprises matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

This Regulation is made under the *Commission for Children and Young People Act 1998*, including sections 20, 33 and 51 (the general regulation-making power).

Commission for Children and Young People Regulation 2000

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## 2000 No 247

Clause 1            Commission for Children and Young People Regulation 2000

Part 1             Preliminary

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# Commission for Children and Young People Regulation 2000

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Commission for Children and Young People Regulation 2000*.

### 2 Commencement

This Regulation commences on 3 July 2000.

### 3 Definitions

In this Regulation:

***hearing*** means a hearing held for the purposes of a special inquiry.

***the Act*** means the *Commission for Children and Young People Act 1998*.

### 4 Notes

The explanatory note and table of contents do not form part of this Regulation.

## **Part 2 Special Inquiries by Commission**

### **5 Right of appearance of affected person**

If it is shown to the satisfaction of the Commission that any person is substantially and directly interested in the subject-matter of a special inquiry, the Commission may authorise the person to appear at the hearing or a specified part of the hearing.

### **6 Legal representation**

- (1) A person appearing at a hearing is not entitled to be represented by a legal practitioner unless the Commission authorises such representation.
- (2) The Commission is to give a person a reasonable opportunity to make submissions regarding representation by a legal practitioner.
- (3) The Commission is not to give an authorisation under subclause (1) unless satisfied that the authorisation is necessary or desirable in the public interest or for the safety, welfare or well-being of a child.

### **7 Restriction on publication of evidence**

- (1) The Commission may direct that:
  - (a) any evidence given before the Commission at a private hearing, or
  - (b) the contents of any document, or a description of any thing, produced to the Commission at a private hearing, or
  - (c) any information that might enable a person who has given or may be about to give evidence at a private hearing to be identified or located, or
  - (d) the fact that any person has given or may be about to give evidence at a private hearing,must not be published except in such manner, and to such persons, as the Commission specifies.
- (2) The Commission is not to give a direction under this clause unless satisfied that the direction is necessary or desirable in the public interest or for the safety, welfare or well-being of a child.

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Part 2             Special Inquiries by Commission

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- (3) A person must not make a publication in contravention of a direction given under this clause.

Maximum penalty (subclause (3)): 20 penalty units.

## Part 3 Employment screening

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

(1) **Disciplinary proceedings based on false, vexatious or misconceived allegations**

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

(2) **Disciplinary proceedings relating to sexual misconduct not involving children**

For the purposes of Part 7 of the Act, disciplinary proceedings involving the sexual misconduct of the person against whom the proceedings were brought are not relevant disciplinary proceedings if:

- (a) a child was the not the victim of that misconduct, and
- (b) that misconduct was not directed at children, and
- (c) that misconduct did not occur in the presence of children.

(3) **Disciplinary proceedings relating to acts of violence not involving children**

For the purposes of Part 7 of the Act, disciplinary proceedings involving acts of violence of the person against whom the proceedings were brought are not relevant disciplinary proceedings if:

- (a) a child was the not the victim of those acts, and
- (b) those acts were not directed at children, and
- (c) those acts did not occur in the presence of children.