

# Commission for Children and Young People Regulation 2000

[2000-247]



New South Wales

## Status Information

### Currency of version

Repealed version for 23 April 2004 to 1 January 2007 (accessed 14 October 2024 at 23:14)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**  
[Crimes Amendment \(Apprehended Violence\) Act 2006 No 73](#) (not commenced)
- **Repeal**  
The Regulation was repealed by sec 5 (2) of the [Commission for Children and Young People Amendment Act 2005 No 108](#) with effect from 2.1.2007.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 2 January 2007

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New South Wales

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# Commission for Children and Young People Regulation 2000



New South Wales

## 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.
- (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 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.

### **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).