



New South Wales

# Child Protection Legislation Amendment Bill 2002

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The objects of this Bill are:

- (a) to amend the *Child Protection (Offenders Registration) Act 2000*:
  - (i) to extend the operation of that Act to certain spent convictions and to offences involving an intention to commit certain offences already covered by the Act, and
  - (ii) to enable information required to be given by registrable persons under that Act to be given at places other than police stations if the Commissioner of Police so approves, and
  - (iii) to provide for the giving of certain certificate evidence in proceedings for offences under that Act, and
- (b) to amend the *Child Protection (Prohibited Employment) Act 1998*:
  - (i) to extend the operation of that Act to certain spent convictions and to offences involving an intention to commit certain offences already covered by the Act, and

- (ii) to enable a person to apply to the Commission for Children and Young People for an order declaring that the person is not a prohibited person under that Act, and
- (c) to amend the *Commission for Children and Young People Act 1998*:
  - (i) to enable the Commission to request information for the purpose of determining applications for orders referred to in paragraph (b) (ii) above, and
  - (ii) to extend the definition of **relevant criminal record** in that Act so as to cover certain spent convictions, offences involving intention to commit certain offences already covered by the definition and offences of conspiracy or incitement to commit such offences, and
  - (iii) to make it clear that references to disciplinary proceedings in the employment screening provisions of that Act extend to investigations and action taken under Part 8A or 9 of the *Police Act 1990*, and
  - (iv) to clarify when certain employment screening obligations are taken to have been fulfilled, and
  - (v) to enable the Commissioner of Police to pass on information to the Commission for Children and Young People concerning certain apprehended violence orders and certain spent convictions, and
- (d) to amend the *Summary Offences Act 1988* to extend the operation of a provision of that Act containing an offence relating to loitering by convicted child sexual offenders near premises frequented by children to certain spent convictions and to offences involving an intention to commit offences already covered by the provision.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

**Clause 3** is a formal provision giving effect to the amendments to the *Child Protection (Offenders Registration) Act 2000* set out in Schedule 1.

**Clause 4** is a formal provision giving effect to the amendments to the *Child Protection (Prohibited Employment) Act 1998* set out in Schedule 2.

**Clause 5** is a formal provision giving effect to the amendments to the *Commission for Children and Young People Act 1998* set out in Schedule 3.

**Clause 6** is a formal provision giving effect to the amendments to the *Summary Offences Act 1988* set out in Schedule 4.

## **Schedule 1 Amendment of Child Protection (Offenders Registration) Act 2000**

The Act defines a *registrable person* as (with certain exceptions) a person who has been found guilty and sentenced in respect of a registrable offence. **Schedule 1 [1] and [2]** extend the registrable offences specified in the Act to an offence which includes an intention to commit certain of those offences already specified.

**Schedule 1 [3]** provides that section 579 of the *Crimes Act 1900* does not apply to registrable offences. That section provides for convictions to be disregarded in certain circumstances where a recognizance has been entered into 15 years previously.

**Schedule 1 [4]** enables the Commissioner of Police to approve of a registrable person giving the information required by the Act to a police officer at a place other than a police station. **Schedule 1 [5] and [6]** make consequential amendments.

**Schedule 1 [7]** enables the Commissioner of Police, or persons holding certain positions in NSW Police designated by the Commissioner, to provide certificate evidence as to certain matters relating to the Register of Offenders kept under the Act.

**Schedule 1 [8] and [9]** contain savings and transitional provisions.

## **Schedule 2 Amendment of Child Protection (Prohibited Employment) Act 1998**

The Act defines a *prohibited person* as a person who has been convicted of a serious sex offence or a person who is a registrable person under the *Child Protection (Offenders Registration) Act 2000*. **Schedule 2 [1]** extends the serious sex offences specified in the Act to an offence which includes an intention to commit certain of those offences already specified.

**Schedule 2 [2]** provides that section 579 of the *Crimes Act 1900* does not apply to serious sex offences. That section provides for convictions to be disregarded in certain circumstances where a recognizance has been entered into 15 years previously.

**Schedule 2 [3]** enables a person to apply to the Commission for Children and Young People for an order declaring that the Act is not to apply to the person in respect of a particular offence. The Commission for Children and Young People

may make an order only if it considers that the person does not pose a risk to the safety of children. The Commission cannot make an order subject to conditions unless the person has consented to the conditions. A person whose application has not been granted by the Commission for Children and Young People may still apply to the Industrial Relations Commission or the Administrative Decisions Tribunal for such an order (as is currently the case). However, a person may not make an application under the new provisions and the existing provisions at the same time (**Schedule 2 [6]**). **Schedule 2 [4] and [5]** make consequential amendments.

**Schedule 2 [7] and [8]** contain savings and transitional provisions.

### **Schedule 3 Amendment of Commission for Children and Young People Act 1998**

**Schedule 3 [1] and [2]** enable the Commission for Children and Young People to request information from officers of government agencies and other persons for the purposes of determining an application for an order referred to above in relation to Schedule 2 [3]. The request may only be made with the consent of the applicant for the order.

**Schedule 3 [4]** makes it clear that the meaning of *employment* in the employment screening provisions of the Act includes the performance of work as the holder of a remunerated position.

**Schedule 3 [5]** makes it clear that the definition of *relevant criminal record* for the purposes of the employment screening provisions of the Act extends to the criminal record of a person in relation to an offence which includes an intention to commit certain of those offences already specified in the definition and to an offence of conspiracy or incitement to commit one of those offences.

**Schedule 3 [6]** makes it clear that, for the purposes of the employment screening provisions of the Act, *relevant disciplinary proceedings* include the investigation of, and the taking of action in relation to, complaints under Part 8A (Complaints about conduct of police officers) of the *Police Act 1990* and the taking of action under Part 9 (Management of conduct within NSW Police) of that Act if those investigations or actions relate to conduct involving child abuse, sexual misconduct or acts of violence.

**Schedule 3 [7]** provides that section 579 of the *Crimes Act 1900* does not apply to offences referred to in the definition of *relevant criminal record*. That section provides for convictions to be disregarded in certain circumstances where a recognizance has been entered into 15 years previously. **Schedule 3 [10]** enables the Commissioner of Police to arrange for information in relation to those “spent” convictions to be provided to the Commission for Children and Young People for the purposes of the employment screening provisions of the Act.

**Schedule 3 [8]** provides that an employer is taken to have fulfilled the employer's obligations in relation to the carrying out of checks of relevant criminal records, relevant apprehended violence orders or relevant disciplinary proceedings for the purpose of employment screening, and the assessment of risks to children arising from anything disclosed in those checks, if the employer engages an approved screening agency to carry out those procedures and receives the results from that agency. The amendment makes it clear that an employer or approved screening agency need only carry out such of those procedures as are able to be carried out at the relevant time. **Schedule 3 [3]** makes a consequential amendment.

**Schedule 3 [9]** makes it clear that the Commissioner of Police can arrange for the Commission for Children and Young People to receive information relating to relevant apprehended violence orders for the purposes of the employment screening provisions of the Act. **Schedule 3 [11]** makes a consequential amendment.

**Schedule 3 [12] and [13]** contain savings and transitional provisions.

## **Schedule 4 Amendment of Summary Offences Act 1988**

The existing section 11G of the Act makes it an offence for a convicted child sexual offender to loiter without reasonable excuse in or near a school or other public place which children frequent or in which children are actually present.

*Convicted child sexual offender* is defined as a person who has been convicted of a specified offence. **Schedule 4 [1]** extends that definition to an offence which includes an intention to commit one of those offences already specified.

**Schedule 4 [2]** provides that section 579 of the *Crimes Act 1900* does not apply to offences specified in the definition of *convicted child sexual offender*. That section provides for convictions to be disregarded in certain circumstances where a recognizance has been entered into 15 years previously.



New South Wales

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New South Wales

# Child Protection Legislation Amendment Bill 2002

No. , 2002

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## **A Bill for**

An Act to amend the *Child Protection (Offenders Registration) Act 2000*, the *Child Protection (Prohibited Employment) Act 1998*, the *Commission for Children and Young People Act 1998* and the *Summary Offences Act 1988* to make further provision with respect to the protection of children; and for other purposes.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Child Protection Legislation Amendment Act 2002</i> .	3
<b>2 Commencement</b>	4
This Act commences on a day or days to be appointed by proclamation.	5 6
<b>3 Amendment of Child Protection (Offenders Registration) Act 2000 No 42</b>	7 8
The <i>Child Protection (Offenders Registration) Act 2000</i> is amended as set out in Schedule 1.	9 10
<b>4 Amendment of Child Protection (Prohibited Employment) Act 1998 No 147</b>	11 12
The <i>Child Protection (Prohibited Employment) Act 1998</i> is amended as set out in Schedule 2.	13 14
<b>5 Amendment of Commission for Children and Young People Act 1998 No 146</b>	15 16
The <i>Commission for Children and Young People Act 1998</i> is amended as set out in Schedule 3.	17 18
<b>6 Amendment of Summary Offences Act 1988 No 25</b>	19
The <i>Summary Offences Act 1988</i> is amended as set out in Schedule 4.	20 21

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**Schedule 1 Amendment of Child Protection (Offenders  
Registration) Act 2000**

(Section 3)

**[1] Section 3 Definitions**

Insert after paragraph (b1) of the definition of *Class 1 offence* in section 3 (1):

- (b2) an offence an element of which is an intention to commit an offence referred to in paragraph (a) or (b), or

**[2] Section 3 (1)**

Insert after paragraph (e) of the definition of *Class 2 offence*:

- (e1) an offence an element of which is an intention to commit an offence referred to in paragraph (a), (b), (c), (d) or (e), or

**[3] Section 3 (5)**

Insert after section 3 (4):

- (5) For the purposes of this Act, section 579 of the *Crimes Act 1900* does not apply to or in respect of a registrable offence.

**[4] Section 12 Manner in which relevant personal information to be given**

Omit section 12 (1). Insert instead:

- (1) The information that is required to be given to the Commissioner of Police under this Division is to be given to a police officer:
- (a) at any police station in the locality in which the registrable person is currently residing, or
- (b) if a direction is given in accordance with the regulations as to the police station at which the information is to be given, at the police station so directed, or
- (c) at some other place approved (either generally or in a particular case) by the Commissioner of Police.

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<b>[5] Section 12 (3)</b>	1
Insert at the end of section 12 (3) (b):	2
, and	3
(c) if the information was given at a place other than a police station, the address of the place at which the information was given.	4 5 6
<b>[6] Section 12 (7)</b>	7
Omit “at a police station”.	8
<b>[7] Section 21A</b>	9
Insert after section 21:	10
<b>21A Certificate evidence</b>	11
(1) In proceedings under this Act, a certificate signed by the Commissioner of Police, or a member of NSW Police holding a position designated in writing by the Commissioner of Police for the purposes of this section, certifying that the Register of Offenders:	12 13 14 15 16
(a) at any particular date contained information specified in the certificate, or	17 18
(b) indicated that, during any particular period, a specified person failed to notify information as required by this Act,	19 20 21
is evidence (unless evidence to the contrary is adduced) of the particulars certified in the certificate.	22 23
(2) Not more than 3 positions are to be designated at any one time under subsection (1).	24 25
<b>[8] Schedule 2 Savings, transitional and other provisions</b>	26
Insert at the end of clause 1 (1):	27
<i>Child Protection Legislation Amendment Act 2002</i>	28

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<b>[9] Schedule 2, clause 2</b>	1
Insert after clause 1:	2
<b>2 Registrable offences</b>	3
(1) In this clause:	4
<i>amending Act</i> means the <i>Child Protection Legislation Amendment Act 2002</i> .	5 6
<i>new registrable person</i> means a person who becomes a registrable person on the commencement of an amendment made by the amending Act because of that amendment.	7 8 9
(2) The amendments made by Schedule 1 [1], [2] and [3] to the amending Act are taken to have had effect from 15 October 2001.	10 11 12
(3) A new registrable person is taken to have complied with any reporting obligations the person may have had for the period commencing on 15 October 2001 and ending on the commencement of this clause.	13 14 15 16
(4) Division 1 of Part 2 (except section 7) and section 10 (1) do not apply to a new registrable person who is not in government custody at the commencement of this clause.	17 18 19
(5) A new registrable person who is not in government custody at the commencement of this clause must notify the Commissioner of Police of the relevant personal information within 28 days after the person is given written notice under section 7.	20 21 22 23 24
(6) Division 1 of Part 2 (except sections 6, 7 and 8) and section 10 (1) do not apply to a new registrable person who is in government custody at the commencement of this clause.	25 26 27
(7) A new registrable person who is in government custody at the commencement of this clause must notify the Commissioner of Police of the relevant personal information within 28 days after the person ceases to be in government custody.	28 29 30 31
(8) A reference in:	32
(a) the definition of <i>reporting obligations</i> in section 3 (1) to Division 2 of Part 2 includes a reference to this clause, and	33 34 35

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Schedule 1      Amendment of Child Protection (Offenders Registration) Act 2000

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(b) section 12 (1) to “information that is required to be given to the Commissioner of Police under this Division” includes a reference to information that is required to be given to the Commissioner of Police under this clause.

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**Schedule 2 Amendment of Child Protection  
(Prohibited Employment) Act 1998**

(Section 4)

**[1] Section 5 Prohibited persons**

Insert after paragraph (d) of the definition of *serious sex offence* in section 5 (3):

- (d1) an offence an element of which is an intention to commit an offence referred to in paragraph (a), (b) or (d), or

**[2] Section 5 (6)**

Insert after section 5 (5):

- (6) For the purposes of this Act, section 579 of the *Crimes Act 1900* does not apply to or in respect of a serious sex offence.

**[3] Section 8A**

Insert before section 9:

**8A Commission may make declarations concerning prohibited persons**

- (1) On the application of a prohibited person, the Commission for Children and Young People may make an order declaring that this Act is not to apply to the person in respect of a specified offence.
- (2) An application under this section must be made in a form approved by the Commission for Children and Young People.
- (3) The Commission for Children and Young People is not to make an order under this section unless it considers that the person the subject of the proposed order does not pose a risk to the safety of children.
- (4) In deciding whether or not to make an order under this section in relation to a person, the Commission for Children and Young People is to take into account the matters referred to in section 9 (5) (a)–(e) and such other matters as it considers relevant.
- (5) Orders under this section may be made subject to conditions.

- (6) The Commission for Children and Young People is not to make an order under this section that is subject to conditions without the consent in writing of the applicant to the conditions. 1  
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- (7) If the Commission for Children and Young People proposes to make an order under this section that is subject to conditions, it is to notify the applicant in writing that: 5  
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- (a) it proposes to make the order subject to the conditions specified in the notification, and 8  
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- (b) the applicant may consent in writing to the making of the order subject to those specified conditions or request the Commission to take no further action, and 10  
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- (c) the Commission will take no further action in relation to the application unless the applicant has consented in writing to the making of the proposed order subject to the specified conditions, and 13  
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- (d) if the applicant does not consent to the making of the order subject to the specified conditions, the applicant may apply under section 9 to the Industrial Relations Commission or the Administrative Decisions Tribunal for an order declaring that this Act is not to apply to the person in respect of a specified offence. 17  
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- (8) If the Commission for Children and Young People makes an order under this section, it is to notify the applicant in writing that the Commission has made the order and (if applicable) that the order is subject to the conditions specified in the notification. 23  
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- (9) If the Commission for Children and Young People considers that an applicant under this section poses a risk to the safety of children or, for whatever reason, cannot make a decision as to whether the applicant poses such a risk, the Commission is to notify the applicant in writing that: 28  
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- (a) the Commission cannot make an order under this section, and 33  
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- (b) the Commission will take no further action in relation to the application, and 35  
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- (c) the applicant may apply under section 9 to the Industrial Relations Commission or the Administrative Decisions Tribunal for an order declaring that this Act is not to apply to the person in respect of a specified offence. 37  
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(10)	On an application under this section, the Commission for Children and Young People may, by order, stay the operation of a prohibition under this Act pending the determination of the matter.	1 2 3 4
(11)	The Commission for Children and Young People must notify the Commissioner of Police of the terms of any order made under this section.	5 6 7
<b>[4]</b>	<b>Section 9 IRC and ADT may make declarations concerning prohibited persons</b>	8 9
	Insert “, by order,” after “may” in section 9 (6).	10
<b>[5]</b>	<b>Section 9 (8)</b>	11
	Insert “or section 8A” after “application for an order under this section”.	12
<b>[6]</b>	<b>Section 9A</b>	13
	Insert after section 9:	14
	<b>9A Multiple applications not permitted</b>	15
	A person may not make an application under section 8A or 9 if the person has another application pending under either of those sections.	16 17 18
<b>[7]</b>	<b>Section 15A</b>	19
	Insert after section 15:	20
<b>15A</b>	<b>Savings, transitional and other provisions</b>	21
	Schedule 1 has effect.	22



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<b>[8] Schedule 1</b>	1
Insert after section 16:	2
<b>Schedule 1 Savings, transitional and other provisions</b>	3
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	(Section 15A)
<b>Part 1 Preliminary</b>	6
<b>1 Regulations</b>	7
(1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:	8
this Act	9
<i>Child Protection Legislation Amendment Act 2002</i>	10
(2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.	11
(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:	12
(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or	13
(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.	14
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<b>Part 2 Provisions consequent on enactment of Child Protection Legislation Amendment Act 2002</b>	25
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<b>2 Prohibited persons</b>	28
(1) In this clause, <i>new prohibited person</i> means a person who becomes a prohibited person on the commencement of an amendment made by the <i>Child Protection Legislation</i>	29
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- Amendment Act 2002* to this Act or the *Child Protection (Offenders Registration) Act 2000* because of that amendment. 1  
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- (2) Section 6 (3) and (4) apply to and in respect of a person who 4  
is a new prohibited person as if: 5
- (a) the references in those subsections to “the 6  
commencement of this section” and “that 7  
commencement” were references to the day on which 8  
the person became a new prohibited person, and 9
- (b) the words “and who is a prohibited person at that 10  
commencement” were omitted. 11
- (3) Section 7 (2) applies to and in respect of an employee who is 12  
a new prohibited person as if the references in that subsection 13  
to “the commencement of this subsection” and “that 14  
commencement” were references to the day on which the 15  
employee became a new prohibited person. 16
- (4) Section 7 (3) applies to and in respect of an employee who is 17  
a new prohibited person as if the reference in that subsection 18  
to “the commencement of that subsection” were a reference to 19  
the day on which the employee became a new prohibited 20  
person. 21
- (5) Section 8 (2) applies to and in respect of a prohibited person 22  
who is a new prohibited person as if the reference in that 23  
subsection to “the commencement of this section” were a 24  
reference to the day on which the person became a new 25  
prohibited person. 26

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<b>Schedule 3 Amendment of Commission for Children and Young People Act 1998</b>	1
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(Section 5)	3
<b>[1] Section 14A Powers of Commission for Children and Young People to compel production of information</b>	4
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Omit “such a direction” from section 14A (2).	6
Insert instead “a direction under subsection (1)”.	7
<b>[2] Section 14A (3)</b>	8
Insert after section 14A (2):	9
(3) For the purpose of determining an application for an order under section 8A of the <i>Child Protection (Prohibited Employment) Act 1998</i> , the Commission may, by notice in writing served on an officer of a government agency or any other person, request the officer or other person to send to the Commission, on or before a day specified in the notice, a statement setting out such information as is so specified.	10
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(4) Any such officer or other person is authorised to provide a statement requested under subsection (3) to the Commission.	17
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(5) The Commission may request a statement under subsection (3) only if the applicant for the order has consented in writing to the Commission doing so.	19
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(6) The Commission is to give a copy of every statement referred to in subsection (3) that it receives in relation to an application for an order to the applicant.	22
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<b>[3] Section 33 Definitions</b>	25
Insert in alphabetical order in section 33 (1):	26
<i>approved screening agency</i> means the Commission or an employer (or employer-related body) approved by the Minister as referred to in section 37 (4).	27
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<b>[4] Section 33 (1)</b>	30
Insert “or as the holder of a remunerated position” after “employment” in paragraph (a) of the definition of <i>employment</i> .	31
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<b>[5] Section 33 (1)</b>	1
Insert “, or an offence an element of which is an intention to commit such an offence, or an offence of attempting, or of conspiracy or incitement, to commit any of the preceding offences” after “child pornography” in the definition of <i>relevant criminal record</i> .	2 3 4 5
<b>[6] Section 33 (4)</b>	6
Insert after section 33 (3):	7
(4) For the avoidance of doubt, a reference to disciplinary proceedings in the definition of <i>relevant disciplinary proceedings</i> in subsection (1) includes a reference to the investigation of, and the taking of action in relation to, complaints under Part 8A of the <i>Police Act 1990</i> and the taking of action under Part 9 of that Act.	8 9 10 11 12 13
<b>[7] Section 33 (5)</b>	14
Insert at the end of section 33:	15
(5) For the purposes of this Act, section 579 of the <i>Crimes Act 1900</i> does not apply to or in respect of an offence referred to in the definition of <i>relevant criminal record</i> in subsection (1).	16 17 18 19
<b>[8] Section 37 Employment screening mandatory for preferred applicants for certain child-related employment</b>	20 21
Insert after section (4):	22
(4A) An employer is taken to have fulfilled the employer’s obligations in relation to carrying out a procedure referred to in section 34 (a) and section 34 (c) (to the extent that it relates to a procedure referred to in section 34 (a)) if:	23 24 25 26
(a) the employer engages an approved screening agency to carry out those procedures, and	27 28
(b) the employer receives the results of carrying out those procedures from that agency.	29 30
(4B) For the purposes of this section, an employer or an approved screening agency need only carry out such of the procedures referred to in section 34 (a) and section 34 (c) (to the extent that it relates to a procedure referred to in section 34 (a)) in relation to an applicant for employment as are required by this Part, and as are able, to be carried out:	31 32 33 34 35 36

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	(a) at the time the person is being considered for employment, or	1 2
	(b) if the carrying out of the procedures has been deferred as referred to in subsection (3), at the time those procedures are required to be carried out in accordance with that subsection.	3 4 5 6
<b>[9]</b>	<b>Section 38 Notification of information relating to relevant criminal records or apprehended violence orders</b>	7 8
	Insert “, or any relevant apprehended violence orders in respect of persons,” after “of persons” in section 38 (1).	9 10
<b>[10]</b>	<b>Section 38 (3)</b>	11
	Insert at the end of section 38 (3) (b):	12
	, and	13
	(c) information relating to offences, despite anything to the contrary in section 579 of the <i>Crimes Act 1900</i> .	14 15
<b>[11]</b>	<b>Section 38 (4)</b>	16
	Insert “, or information relating to relevant apprehended violence orders in respect of persons,” after “of persons”.	17 18
<b>[12]</b>	<b>Section 52A</b>	19
	Insert after section 52:	20
	<b>52A Savings, transitional and other provisions</b>	21
	Schedule 3 has effect.	22

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<b>[13] Schedule 3</b>	1
Insert after Schedule 2:	2
<b>Schedule 3 Savings, transitional and other provisions</b>	3
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(Section 52A)	5
<b>Part 1 Preliminary</b>	6
<b>1 Regulations</b>	7
(1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:	8
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<i>this Act</i>	11
<i>Child Protection Legislation Amendment Act 2002</i>	12
(2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.	13
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(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:	16
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(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or	19
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(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.	22
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<b>Part 2 Provisions consequent on enactment of Child Protection Legislation Amendment Act 2002</b>	25
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<b>2 Employment screening</b>	28
(1) A provision of section 37 (4A) or (4B) applies to and in respect of the screening of an applicant for employment whether occurring before or after the commencement of the provision.	29
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Child Protection Legislation Amendment Bill 2002

Schedule 3      Amendment of Commission for Children and Young People Act 1998

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(2) Section 39 (3) extends to disciplinary proceedings within the meaning of section 33 as amended by Schedule 3 [6] to the *Child Protection Legislation Amendment Act 2002*.

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**Schedule 4 Amendment of Summary Offences Act 1988**

(Section 6)

**[1] Section 11G Loitering by convicted child sexual offenders near premises frequented by children**

Insert after paragraph (c) of the definition of *convicted child sexual offender* in section 11G (2):

- (c1) an offence an element of which is an intention to commit an offence referred to in paragraph (a), (b) or (c),

**[2] Section 11G (3)**

Insert after section 11G (2):

- (3) For the purposes of this section, section 579 of the *Crimes Act 1900* does not apply to or in respect of an offence referred to in the definition of *convicted child sexual offender* in subsection (2).