

# **Commission for Children and Young People and Child Guardian Amendment Bill 2004**

## **Amendments agreed to during Consideration**

### **1 Clause 15—**

At page 20, lines 8 to 10—

*omit, insert—*

‘any offence but is aware that there is 1 or more of the following about the relevant person—

- (i) investigative information;
- (ii) disciplinary information;
- (iii) a charge for an offence other than an excluding offence;
- (iv) a charge for an excluding offence that has been dealt with other than by a conviction; or

*Note for subparagraph (iv)—*

See sections 119C and 123(3B) in relation to charges for excluding offences that have not been dealt with.’.

### **2 Clause 15—**

At page 20, lines 29 to 32—

*omit, insert—*

‘other than an excluding offence dealt with in a way mentioned in paragraph (a).’.

### **3 Clause 32—**

At page 38, lines 1 to 3—

*omit, insert—*

‘(c) how long the suspension will continue;’.

**4 Clause 32—**

At page 38, line 8, ‘under section 119D’—  
*omit.*

**5 Clause 32—**

At page 39, after line 19—  
*insert—*

‘ (9) Without limiting subsection (3) and despite section 104(2), a positive notice remains current during the period of suspension even if it would otherwise end under section 104(2) during that period.’.

**6 Clause 32—**

At page 39, lines 22 to 31 and page 40, lines 1 to 5—  
*omit, insert—*

‘ (1) This section applies to a positive notice held by a person that is suspended under section 119C (the *suspended notice*).

‘(2) The suspension is cancelled if—

(a) the suspended notice is cancelled under section 119A(2) or 119B(2); or

(b) on application by the person for the cancellation of the suspension and issue of a further prescribed notice, the commissioner cancels the suspended notice and issues a further positive notice or a negative notice.

‘(3) If, in relation to the charge of an excluding offence that resulted in the person’s positive notice being suspended, the person—

(a) was not convicted of any offence or was convicted of an offence that is not a serious offence, the commissioner must issue a further positive notice unless the commissioner is satisfied it is an exceptional case in

which it would not be in the best interests of children for the commissioner to issue a further positive notice; or

- (b) was convicted of a serious offence, the commissioner must issue a negative notice unless the commissioner is satisfied it is an exceptional case in which it would not harm the best interests of children for the commissioner to issue a further positive notice.

‘(3A) If the commissioner is satisfied that—

- (a) there is an exceptional case under subsection (3)(a), the commissioner must issue a negative notice; or
- (b) there is an exceptional case under subsection (3)(b), the commissioner must issue a further positive notice.’.

**7 Clause 35—**

At page 46, line 30, ‘or applicant’—

*omit, insert—*

‘, applicant or prescribed notice’.

**8 Clause 35—**

At page 48, after line 13—

*insert—*

‘ ‘(11) However, subsections (9) and (10) do not apply to information the police commissioner obtained before the commissioner gave the information to the police commissioner under this section.’.’.

**9 Clause 37—**

At page 50, lines 3 and 4—

*omit, insert—*

‘(b) the offence is a serious offence or serious child-related sexual offence.’.

**10 Clause 41—**

At page 54, line 3, after ‘person’—

*insert—*

‘stating that the person may never hold a positive notice or apply for a prescribed notice’.

**11 Schedule—**

At page 91, lines 17 to 19—

*omit, insert—*

‘(d) the council, under section 70(1)(c) or (2), cancels or suspends a relevant person’s registration or enrolment; or’.