



CHILD CARE AND PROTECTION ~~AMENDMENT~~ BILL NO. 2015

Substitution for clause 238 of the following clause:

“Persons unfit to work with children

238. (1) A person may not employ a person convicted of an offence listed in subsection (8) in an institution referred to in subsection (3).

(2) A person may not act in a capacity referred to in subsection (3) if convicted of an offence listed in subsection (8).

(3) Subsection (1) and (2) applies to -

- (a) a person who manages, operates, participates or assists in managing or operating an institution providing welfare services to children, including a child protection organisation, residential child care facility, place of care, early childhood development centre, shelter, school or association providing welfare services to children;
- (b) a person who works with or have direct access to children at an institution providing welfare services to children, including a child protection organisation, residential child care facility, place of care, shelter, early childhood development centre, school or association providing welfare services to children;
- (c) an alternative care giver or adoptive parent; and
- (d) a person who works in any other form of employment or activity as may be prescribed.

(4) Subsection (1) applies to employment on a part-time, full-time or volunteer basis.

(5) Before employing a person as contemplated in subsection (1) the employer must ensure that the person submits a valid clearance certificate stating that the person has not been convicted of an offence listed in subsection (8), within 10 years before the date of assumption of duty.

(6) An employer or a person who has reason to believe that a person who has been convicted of an offence listed in subsection (8) is employed or acting in such capacity as contemplated in subsection (3), must inform the registrar referred to in subsection (13).

(7) The registrar, referred to in subsection (13), who receives information in terms of subsection (6) must deal with the information in the prescribed manner.

(8) For the purpose of this section the offences are:

(a) murder;

(b) rape;

(c) indecent assault;

(d) incest;

(e) kidnapping;

(f) any statutory sexual offence;

(g) any offence relating to the manufacture, distribution or possession of pornography; or

