



New South Wales

# **Children and Young Persons (Care and Protection) Miscellaneous Amendments Bill 2000**

## **Explanatory note**

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

### **Overview of Bill**

The objects of this Bill are:

- (a) to make miscellaneous amendments to the *Children and Young Persons (Care and Protection) Act 1998*, several of which are minor or by way of statute law revision, and
- (b) to amend the *Children and Young Persons Legislation (Repeal and Amendment) Act 1998* to enable the progressive repeal of provisions of the *Children (Care and Protection) Act 1987* so as to match the progressive commencement of the provisions of the *Children and Young Persons (Care and Protection) Act 1998* that will replace them.

## 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 *Children and Young Persons (Care and Protection) Act 1998* set out in Schedules 1 and 2.

**Clause 4** is a formal provision giving effect to the amendment to the *Children and Young Persons Legislation (Repeal and Amendment) Act 1998* set out in Schedule 3.

## **Schedule 1    General amendments to Children and Young Persons (Care and Protection) Act 1998**

### **Reports**

**Schedule 1 [1]** extends the obligation under section 28 of the Act of the Director-General of the Department of Community Services (*the Director-General*) to keep records of reports made to or by the Director-General by adding a requirement that the Director-General keep records of action taken as a consequence of a report as well as of subsequent arrangements concerning children and young persons to whom the reports relate.

**Schedule 1 [2]** amends section 29 of the Act to make it clear that reports can be used as evidence in care proceedings before the Children's Court (and any subsequent appeal) but not in other proceedings.

**Schedule 1 [3]** amends section 29 of the Act to enable certificate evidence to be given by the Director-General that a document is a report under that section and therefore has the protections conferred by that section.

### **Care orders**

**Schedule 1 [4]** amends section 60 of the Act to make it clear that a contact order is a type of care order.

**Schedule 1 [9]** amends section 86 of the Act relating to the making of contact orders by the Children's Court. The amendment clarifies the circumstances in which more frequent contact may occur with a child or young person through the giving of consent by a person having parental responsibility for the child or young

person. The amendment also provides that the Children's Court cannot make an order that contact be supervised by the Director-General or a person employed within the Department of Community Services except with the Director-General's or person's consent.

### Care proceedings

**Schedule 1 [6]** inserts proposed section 64A. The proposed section provides that the Director-General does not have to provide parents with a copy of evidence in the form of a recording (such as an audio or video recording) if the Director-General considers it would be inappropriate to do so. Instead, the Director-General is to give an adequate opportunity to the parents of the child or young person, and their lawyer, to listen to or view the recording. The Children's Court may overturn a decision of the Director-General not to provide parents with a copy of recorded evidence.

**Schedule 1 [5]** makes a consequential amendment.

Section 65 of the Act currently requires that a preliminary conference be held for all care proceedings after copies of the care application have been served. **Schedule 1 [7]** amends section 65 to provide that a preliminary conference does not have to be held if the Children's Registrar is of the opinion that it would not be appropriate in the circumstances to hold a preliminary conference or that the holding of such a conference should be deferred until a later time in the care proceedings.

**Schedule 1 [8]** also amends section 65 of the Act. The amendment provides that the powers of a Children's Registrar under that section may, as with any other powers of a Children's Registrar under the Act, be exercised by the Children's Court.

**Schedule 1 [10]** amends section 102 of the Act to enable the support person who is entitled to accompany a participant in care proceedings to act, with the leave of the Children's Court, as an interpreter for the participant if the participant does not sufficiently speak or understand English. The support person is required to maintain confidentiality.

**Schedule 1 [11]** amends section 105 of the Act to prohibit the name or identifying information of a child or young person who is, or is reasonably likely to be, involved in Children's Court proceedings to be broadcast "in any form that may be accessible by a person in New South Wales".

### Compulsory assistance orders

**Schedule 1 [12]** inserts proposed section 124A. The proposed section requires the Director-General to notify the Children's Guardian immediately an application is

made for a compulsory assistance order or an interim compulsory assistance order in relation to a child or young person. The Children's Guardian is also entitled to be a party to any proceedings before the Children's Court concerning the order.

**Schedule 1 [13]** amends section 127 of the Act which deals with the circumstances in which a child or young person who breaches a compulsory assistance order may be apprehended by the Director-General or a police officer. The Director-General or a police officer cannot act unless they believe on reasonable grounds that the child or young person is in a situation of potential harm.

**Schedule 1 [14]** replaces section 133 of the Act with proposed sections 133–133B. Proposed section 133 requires the Children's Court to notify the Children's Guardian of the making of a compulsory assistance order or an interim compulsory assistance order, unless the Children's Guardian was a party to the proceedings in which the order was made. Proposed section 133A requires the Children's Guardian to monitor the circumstances of a child or young person who is subject to such an order. Proposed section 133B enables an application to be made at any time for the variation or revocation of such an order by the child or young person in respect of whom the order is made, the Director-General, the Children's Guardian, a person having parental responsibility for the child or young person, or any person who considers himself or herself to have a sufficient interest in the welfare of the child or young person.

### **Out-of-home care**

**Schedule 1 [15]** amends section 135 of the Act to clarify the time at which out-of-home care commences.

Section 158 of the Act specifies the circumstances in which a child or young person in out-of-home care may be physically restrained. **Schedule 1 [16]** and **[17]** remove, as a ground of restraint, the belief that a child or young person is behaving in such a manner that, unless restrained, he or she might cause the loss of or damage to property. **Schedule 1 [18]** limits the form of restraint to a form that is consistent with any behavioural management requirements of a care plan that applies to the child or young person concerned. **Schedule 1 [19]** provides that, for a person who restrains a child or young person in accordance with section 158 to be absolved from criminal and civil liability, he or she must be able to satisfy the court, on the balance of probabilities, that his or her actions were reasonable in all the circumstances of the case.

**Schedule 1 [20]–[24]** amend section 161 of the Act to broaden the kinds of financial assistance that may be provided to children and young persons in out-of-home care.

### **Special medical treatment**

**Schedule 1 [25]** provides that, if a regulation is made approving the granting of consent to the carrying out of special medical treatment, a consent that would have been lawful if the regulation had been in force at the time the consent was granted is taken to have been lawfully granted.

## **Schedule 2 Minor amendments to Children and Young Persons (Care and Protection) Act 1998**

### **Meaning of “Aboriginal” and “Torres Strait Islander”**

**Schedule 2 [1]–[6], [20], [23] and [24]** correct certain references to Aboriginals and Torres Strait Islanders. The definitions of those terms are also made consistent with the definitions contained in the proposed *Adoption Act 2000*.

### **Consistency of expression**

**Schedule 2 [7], [10], [12], [14], [15] and [19]** create consistency in the use of the term “allocate” where it relates to parental responsibility.

**Schedule 2 [8]** amends the heading to a section so that it reflects more precisely the content of the section.

**Schedule 2 [16]–[18]** replace the expression “case conference” with the more commonly used term “review”.

### **Exercise of functions by Departmental officers**

**Schedule 2 [21], [25], [26], [28], [31] and [32]** provide for the Director-General of the Department of Community Services, rather than an officer of that Department, to exercise certain functions and thereby create greater consistency with the way in which other functions are conferred under the provisions of the Act.

### **Regulation-making powers**

**Schedule 2 [9], [30] and [33]** clarify and extend the power to make regulations for the purposes of the Act.

### **Other minor amendments**

**Schedule 2 [11], [13], [22], [27] and [29]** correct grammatical errors and inconsistencies in the Act and make other minor amendments.

### **Schedule 3    Amendment of Children and Young Persons Legislation (Repeal and Amendment) Act 1998**

**Schedule 3** amends the *Children and Young Persons Legislation (Repeal and Amendment) Act 1998* to enable the progressive repeal of provisions of the *Children (Care and Protection) Act 1987* so as to match the progressive commencement of the provisions of the *Children and Young Persons (Care and Protection) Act 1998* that will replace them.



New South Wales

# Children and Young Persons (Care and Protection) Miscellaneous Amendments Bill 2000

## Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Children and Young Persons (Care and Protection) Act 1998 No 157	2
4 Amendment of Children and Young Persons Legislation (Repeal and Amendment) Act 1998 No 158	2
Schedules	
1 General amendments to Children and Young Persons (Care and Protection) Act 1998	3
2 Minor amendments to Children and Young Persons (Care and Protection) Act 1998	10
3 Amendment of Children and Young Persons Legislation (Repeal and Amendment) Act 1998	16



New South Wales

# Children and Young Persons (Care and Protection) Miscellaneous Amendments Bill 2000

No , 2000

---

## A Bill for

An Act to make miscellaneous amendments to the *Children and Young Persons (Care and Protection) Act 1998*; to amend the *Children and Young Persons Legislation (Repeal and Amendment) Act 1998*; and for other purposes.

---



<b>The Legislature of New South Wales enacts:</b>	1
<b>1    Name of Act</b>	2
This Act is the <i>Children and Young Persons (Care and Protection)</i>	3
<i>Miscellaneous Amendments Act 2000.</i>	4
<b>2    Commencement</b>	5
This Act commences on a day or days to be appointed by	6
proclamation.	7
<b>3    Amendment of Children and Young Persons (Care and Protection) Act</b>	8
<b>1998 No 157</b>	9
The <i>Children and Young Persons (Care and Protection) Act 1998</i> is	10
amended as set out in Schedules 1 and 2.	11
<b>4    Amendment of Children and Young Persons Legislation (Repeal and</b>	12
<b>Amendment) Act 1998 No 158</b>	13
The <i>Children and Young Persons Legislation (Repeal and</i>	14
<i>Amendment) Act 1998</i> is amended as set out in Schedule 3.	15

<b>Schedule 1</b>	<b>General amendments to Children and Young Persons (Care and Protection) Act 1998</b>	1 2 3
	(Section 3)	4
<b>[1] Section 28</b>		5
	Omit the section. Insert instead:	6
	<b>28 Records of reports and subsequent action</b>	7
	The Director-General must keep a record of:	8
	(a) all reports made to or by the Director-General, and	9
	(b) any action taken as a consequence of a report, and	10
	(c) any subsequent disposition of and dealings with	11
	children and young persons to whom such reports or	12
	actions relate,	13
	subject to the regulations.	14
<b>[2] Section 29 Protection of persons who make reports</b>		15
	Omit “as evidence against the person who made the report or any other person” from section 29 (1) (d).	16 17
	Insert instead “(other than care proceedings in the Children’s Court, or any appeal arising from those care proceedings)”.	18 19
<b>[3] Section 29 (1A)</b>		20
	Insert after section 29 (1):	21
	(1A) A certificate purporting to be signed by the Director-General that a document relating to a child or young person is a report to which this section applies is admissible in any proceedings and, in the absence of evidence to the contrary, is proof that the document is such a report.	22 23 24 25 26

Children and Young Persons (Care and Protection) Miscellaneous  
Amendments Bill 2000

Schedule 1      General amendments to Children and Young Persons (Care and  
Protection) Act 1998

---

<b>[4]    Section 60 Definitions</b>	1
Insert “, and includes a contact order under section 86” after “young person” in the definition of <i>care order</i> .	2 3
<b>[5]    Section 64 Notification of care applications</b>	4
Insert “, subject to section 64A” after “located” in section 64 (4).	5
<b>[6]    Section 64A</b>	6
Insert after section 64:	7
<b>64A    Evidence in the form of a recording</b>	8
(1) In this section, <i>recording</i> means:	9
(a) an audio recording, or	10
(b) a video recording, or	11
(c) a video recording accompanied by a separately but contemporaneously recorded audio recording.	12 13
(2) If:	14
(a) any evidence in support of a care application in relation to a child or young person comprises a recording, and	15 16
(b) the Director-General considers it would be inappropriate for the parents of the child or young person to be given a copy of the recording,	17 18 19
the Director-General may decline to cause a copy of the recording to be served on the parents under section 64 (4) and, instead, must serve a notice on the parents that complies with subsection (3).	20 21 22 23
(3) The notice must:	24
(a) be in writing, and	25
(b) specify each recording proposed to be used in evidence, and	26 27
(c) inform the parents that they, and their lawyer, are entitled to listen to or view the recording at a place	28 29

---

nominated by the Director-General and at a mutually convenient time, and	1 2
(d) identify the person responsible for arranging access to each recording.	3 4
(4) The notice must be given to the parents, or their lawyer, at least 14 days before the care application is heard.	5 6
(5) The parents, and their lawyer, are entitled to listen to or view each recording, on one or more occasions, before the care application is heard.	7 8 9
(6) The Children's Court may, on application of the parents of a child or young person the subject of a care application, direct the Director-General to cause a copy of any recording proposed to be used in evidence in the care application to be served on the parents.	10 11 12 13 14
<b>[7] Section 65 Preliminary conferences</b>	15
Insert “, unless the Children's Registrar is of the opinion that it would not be appropriate in the circumstances to hold a preliminary conference or that the holding of such a conference should be deferred until a later time in the proceedings” after “parties” in section 65 (1).	16 17 18 19
<b>[8] Section 65 (5)</b>	20
Insert “(including this section)” after “this Act”.	21
<b>[9] Section 86 Contact orders</b>	22
Omit section 86 (2) and (3). Insert instead:	23
(2) The Children's Court may make an order that contact be supervised by the Director-General or a person employed within the Department only with the Director-General's or person's consent.	24 25 26 27
(3) An order of the kind referred to in subsection (1) (a) does not prevent more frequent contact with a child or young person with the consent of a person having parental responsibility for the child or young person.	28 29 30 31

---

Children and Young Persons (Care and Protection) Miscellaneous  
Amendments Bill 2000

Schedule 1      General amendments to Children and Young Persons (Care and  
Protection) Act 1998

---

(4)	An order of the kind referred to in subsection (1) (b) may be made only with the consent of the person specified in the order and the person who is required to supervise the contact.	1 2 3
<b>[10]</b>	<b>Section 102 Support persons</b>	4
	Omit section 102 (4). Insert instead:	5
(4)	A support person cannot give instructions on behalf of the participant.	6 7
(5)	A support person may, with the leave of the Children's Court, act as an interpreter for a participant if the participant does not sufficiently speak or understand English.	8 9 10
(6)	Without limiting section 254, that section applies to a support person who acts as an interpreter for a participant.	11 12
<b>[11]</b>	<b>Section 105 Publication of names and identifying information</b>	13
	Insert "in any form that may be accessible by a person in New South Wales" after "broadcast" in section 105 (1).	14 15
<b>[12]</b>	<b>Section 124A</b>	16
	Insert after section 124:	17
<b>124A</b>	<b>Notification and participation of Children's Guardian</b>	18
(1)	The Director-General must notify the Children's Guardian immediately an application is made for a compulsory assistance order or an interim compulsory assistance order in relation to a child or young person.	19 20 21 22
(2)	The Children's Guardian is entitled to be a party to any proceedings before the Children's Court under this Part concerning a child or young person.	23 24 25
<b>[13]</b>	<b>Section 127 Apprehension of child or young person who breaches compulsory assistance order</b>	26 27
	Insert "and the Director-General or a police officer believes on reasonable grounds that the child or young person is in a situation of potential harm" after "lawful authority".	28 29 30

<b>[14] Sections 133–133B</b>	1
Omit section 133. Insert instead:	2
<b>133 Notification of Children’s Guardian of orders</b>	3
The Children’s Court must notify the Children’s Guardian of the making of an order under this Part, unless the Children’s Guardian was a party to the proceedings in which the order was made.	4 5 6 7
<b>133A Monitoring of orders by Children’s Guardian</b>	8
The Children’s Guardian must monitor the circumstances of a child or young person who is subject to an order under this Part.	9 10 11
<b>133B Variation and revocation of orders</b>	12
An application may be made at any time for the variation or revocation of an order under this Part in respect of a child or young person by:	13 14 15
(a) the child or young person, or	16
(b) the Director-General, or	17
(c) the Children’s Guardian, or	18
(d) a person having parental responsibility for the child or young person, or	19 20
(e) any person who considers himself or herself to have a sufficient interest in the welfare of the child or young person.	21 22 23
<b>[15] Section 135 What is “out-of-home care”?</b>	24
Insert after section 135 (2):	25
(3) Out-of-home care of a child or young person commences:	26
(a) immediately on the making of a care order for a period of more than 14 days, or	27 28
(b) in any other case:	29
(i) immediately the period or periods referred to in subsection (1) (c) (ii) have elapsed, or	30 31

Children and Young Persons (Care and Protection) Miscellaneous  
Amendments Bill 2000

Schedule 1      General amendments to Children and Young Persons (Care and  
Protection) Act 1998

---

	(ii) immediately the child or young person is placed with an authorised carer by a designated agency, whichever first occurs.	1 2 3
<b>[16]</b>	<b>Section 158 Physical restraint of child or young person</b>	4
	Omit “or might cause the loss of or damage to any property” from section 158 (1).	5 6
<b>[17]</b>	<b>Section 158 (2)</b>	7
	Omit “or loss of or damage to any property” wherever occurring.	8
<b>[18]</b>	<b>Section 158 (3)</b>	9
	Omit the subsection. Insert instead:	10
	(3) If a child or young person is restrained under this section, the restraint must be consistent with any behaviour management requirements of a care plan applying to the child or young person, otherwise reasonable force may be used.	11 12 13 14
<b>[19]</b>	<b>Section 158 (5)</b>	15
	Insert “, and who is able to satisfy the court on the balance of probabilities that his or her actions were reasonable in all the circumstances of the case,” after “section” where secondly occurring.	16 17 18
<b>[20]</b>	<b>Section 161 Financial assistance for children and young persons in out-of-home care</b>	19 20
	Omit “an allowance” from section 161 (1).	21
	Insert instead “financial assistance”.	22
<b>[21]</b>	<b>Section 161 (1A)</b>	23
	Insert after section 161 (1):	24
	(1A) Without limiting subsection (1), financial assistance may take the form of a grant, an allowance or a refund of expenditure, or any other form of financial assistance that the Director-General may approve generally, or in a particular case or class of cases.	25 26 27 28

---

<b>[22] Section 161 (3)</b>	1
Omit “an allowance under subsection (1) was being paid”.	2
Insert instead “financial assistance under this section was being provided”.	3
<b>[23] Section 161 (3)</b>	4
Omit “pay an allowance”. Insert instead “provide financial assistance”.	5
<b>[24] Section 161 (3)</b>	6
Omit “the allowance is granted”.	7
Insert instead “the financial assistance is provided”.	8
<b>[25] Section 175 (6)</b>	9
Insert after section 175 (5):	10
(6) Any thing that was done before the commencement of a	11
regulation made for the purposes of subsection (2) (c) and that	12
would have been lawful if the regulation had been in force at	13
the time the thing was done is taken to have been lawfully done	14
at the time that it was done.	15



Schedule 2	Minor amendments to Children and Young Persons (Care and Protection) Act 1998
------------	---

<b>Schedule 2</b>	<b>Minor amendments to Children and Young Persons (Care and Protection) Act 1998</b>	1
		2
	(Section 3)	3
<b>[1]</b>	<b>Section 3 Definitions</b>	4
	Omit the definition of <i>Aboriginal and Torres Strait Islander</i> .	5
<b>[2]</b>	<b>Section 3, definition of “Torres Strait Islander”</b>	6
	Insert in appropriate order:	7
	<i>Torres Strait Islander</i> —see section 5.	8
<b>[3]</b>	<b>Section 5</b>	9
	Omit the section. Insert instead:	10
	<b>5 Meaning of “Aboriginal” and “Torres Strait Islander”</b>	11
	(1) In this Act:	12
	<i>Aboriginal</i> has the same meaning as in the <i>Aboriginal Land Rights Act 1983</i> .	13
		14
	<i>Aboriginal child or young person</i> means a child or young person descended from an Aboriginal and includes a child or young person who is the subject of a determination under subsection (2).	15
		16
		17
		18
	<i>Torres Strait Islander</i> means a person who:	19
	(a) is descended from a Torres Strait Islander, and	20
	(b) identifies as a Torres Strait Islander, and	21
	(c) is accepted as a Torres Strait Islander by a Torres Strait Islander community.	22
		23
	<i>Torres Strait Islander child or young person</i> means a child or young person descended from a Torres Strait Islander and includes a child or young person who is the subject of a determination under subsection (3).	24
		25
		26
		27

---

(2) Despite the definition of <i>Aboriginal</i> in the <i>Aboriginal Land Rights Act 1983</i> , the Children's Court may determine that a child or young person is an Aboriginal for the purposes of this Act if the Children's Court is satisfied that the child or young person is of Aboriginal descent.	1 2 3 4 5
(3) Despite the definition of <i>Torres Strait Islander</i> in subsection (1), the Children's Court may determine that a child or young person is a Torres Strait Islander for the purposes of this Act if the Children's Court is satisfied that the child or young person is of Torres Strait Islander descent.	6 7 8 9 10
<b>[4] Section 13 Aboriginal and Torres Strait Islander Child and Young Person Placement Principles</b>	11 12
Omit "Aboriginal and Torres Strait Islander" wherever occurring.	13
Insert instead "Aboriginal or Torres Strait Islander".	14
<b>[5] Section 14, heading</b>	15
Omit "Aboriginal". Insert instead "Aboriginals".	16
<b>[6] Section 14 Records relating to Aboriginals and Torres Strait Islanders</b>	17
Omit "Aboriginal and Torres Strait Islander" from section 14 (2).	18
Insert instead "Aboriginal or Torres Strait Islander".	19
<b>[7] Section 38 Development and enforcement of care plans</b>	20
Omit "reallocates" from section 38 (2). Insert instead "allocates".	21
<b>[8] Section 53, heading</b>	22
Omit "Examination and". Insert instead "Making of".	23
<b>[9] Section 78 Care plans</b>	24
Omit "The" from section 78 (5).	25
Insert instead "Other requirements and the".	26

Children and Young Persons (Care and Protection) Miscellaneous  
Amendments Bill 2000

Schedule 2      Minor amendments to Children and Young Persons (Care and  
Protection) Act 1998

---

<b>[10]    Section 80 Requirement to consider care plan</b>	1
Omit “re-allocation” from section 80 (b). Insert instead “allocation”.	2
<b>[11]    Section 80</b>	3
Omit “the care plan”. Insert instead “a care plan”.	4
<b>[12]    Section 82 Monitoring by Children’s Court of order concerning parental responsibility</b>	5 6
Omit “or re-allocating” from section 82 (1).	7
<b>[13]    Section 90 Rescission and variation of care orders</b>	8
Insert “or that allocates specific aspects of parental responsibility from the Minister to another person,” after “Minister,” in section 90 (6).	9 10
<b>[14]    Section 115 Alternative parenting plan</b>	11
Omit “re-allocation” from section 115 (1) (b) (i). Insert instead “allocation”.	12
<b>[15]    Section 149 Order for sole parental responsibility</b>	13
Omit “re-allocated”. Insert instead “allocated”.	14
<b>[16]    Section 156 Review of voluntary out-of-home care arrangements</b>	15
Omit “arrange a case conference” from section 156 (1).	16
Insert instead “conduct a review of the arrangement”.	17
<b>[17]    Section 156 (2) and (3)</b>	18
Omit “case conference” wherever occurring. Insert instead “review”.	19
<b>[18]    Section 156 (4)</b>	20
Omit “case conferences”. Insert instead “reviews”.	21
<b>[19]    Section 161 Financial assistance for children and young persons in out-of-home care</b>	22 23
Omit “reallocated” from section 161 (2) (b). Insert instead “allocated”.	24

---

---

<b>[20] Section 170 Retention of records</b>	1
Omit "Aboriginal" from the note to section 170.	2
Insert instead "Aboriginals".	3
<b>[21] Section 171 Removal of children and young persons from unauthorised out-of-home care</b>	4
	5
Omit "an officer" from section 171 (1) (b).	6
Insert instead "the Director-General".	7
<b>[22] Section 185 Provision and exchange of information</b>	8
Omit "prescribed body" from section 185 (1).	9
Insert instead "prescribed person".	10
<b>[23] Section 191 Constitution of Child Death Review Team</b>	11
Insert "or Torres Strait Islander" after "Aboriginal" where first occurring in section 191 (6).	12
	13
<b>[24] Section 191 (6)</b>	14
Omit "Aboriginal" where secondly occurring.	15
Insert instead "Aboriginals or Torres Strait Islanders".	16
<b>[25] Section 195 Confidentiality of information</b>	17
Omit "officer or" from section 195 (4) (c).	18
<b>[26] Section 215 Parental contact with children</b>	19
Omit "an officer of the Department of Community Services" from section 215 (2) (b).	20
	21
Insert instead "the Director-General".	22
<b>[27] Section 220 Regulations</b>	23
Insert "may" after "the regulations".	24

Children and Young Persons (Care and Protection) Miscellaneous  
Amendments Bill 2000

Schedule 2      Minor amendments to Children and Young Persons (Care and  
Protection) Act 1998

---

<b>[28]    Section 226 Removal of child from place of unlawful employment</b>	1
Omit “an officer” from section 226 (b).	2
Insert instead “the Director-General”.	3
<b>[29]    Section 245 Decisions that are reviewable by Administrative Decisions Tribunal</b>	4
	5
Insert “to impose conditions of an authorisation,” after “authorised carer,” where first occurring in section 245 (1) (a).	6
	7
<b>[30]    Section 264 Regulations</b>	8
Insert after section 264 (1):	9
(1A) In particular, the regulations may make provision for or with respect to the following:	10
	11
(a) defining the meanings of the words “related” and “relative” where used in this Act or in a specified provision of this Act,	12
	13
	14
(b) specifying persons, or classes of persons, as being persons to whom section 27 (Mandatory reporting) applies or does not apply,	15
	16
	17
(c) regulating or prohibiting the use or availability of evidence given or produced during the course of alternative dispute resolution under section 37, preliminary conferences under section 65 or alternative dispute resolution under section 114,	18
	19
	20
	21
	22
(d) specifying matters that may or may not be taken into consideration by the Children’s Court in determining whether there has been significant change in any relevant circumstances within the meaning of section 90 (2) (Rescission and variation of care orders),	23
	24
	25
	26
	27
(e) the requirements and form of an alternative parenting plan under section 115,	28
	29
(f) regulating or prohibiting conduct of authorised carers,	30
(g) prescribing a code of conduct for authorised carers,	31

---

(h)	regulating the application of section 168 (Access to personal information),	1
		2
(i)	providing for the review by the Administrative Decisions Tribunal of a decision of, or the failure or refusal to make a decision by, the Children's Guardian.	3
		4
		5
(1B)	A regulation may not be made for the purposes of subsection (1A) (i) except with the concurrence of the Minister administering the <i>Administrative Decisions Tribunal Act 1997</i> .	6
		7
		8
<b>[31]</b>	<b>Schedule 2 Provisions relating to employers' authorities</b>	9
	Omit "officers" from clause 3 (1). Insert instead "the Director-General".	10
<b>[32]</b>	<b>Schedule 2, clause 3 (1)</b>	11
	Omit "an officer". Insert instead "the Director-General".	12
<b>[33]</b>	<b>Schedule 3 Savings, transitional and other provisions</b>	13
	Insert at the end of clause 1 (1):	14
	<i>Children and Young Persons (Care and Protection)</i>	15
	<i>Miscellaneous Amendments Act 2000</i>	16

Schedule 3	Amendment of Children and Young Persons Legislation (Repeal and Amendment) Act 1998
------------	--

---

<b>Schedule 3</b>	<b>Amendment of Children and Young Persons Legislation (Repeal and Amendment) Act 1998</b>	1
		2
		3
	(Section 4)	4
<b>Section 3</b>	<b>Repeal of Children (Care and Protection) Act 1987 No 54</b>	5
	Insert at the end of the section:	6
	(2) Different days may be appointed for the commencement of subsection (1) for the purpose of repealing, on different days, different provisions of the <i>Children (Care and Protection) Act</i> <i>1987</i> .	7 8 9 10