

New South Wales

Children's Guardian Amendment Bill 2025

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Children's Guardian Act 2019* (***the Act***) to implement a number of recommendations arising from the statutory review of the Act tabled in Parliament on 19 December 2024, including by—

- (a) providing that a guiding principle of the Act is the need to consult with the Aboriginal and Torres Strait Islander community on policies and practices that impact Aboriginal and Torres Strait Islander children, and
- (b) ensuring employees who are the subject of a reportable allegation or reportable conviction against a child, including a sexual offence, assault, ill-treatment, neglect or behaviour that causes significant emotional or psychological harm to a child (***reportable conduct***), are treated consistently with the principle of procedural fairness, and
- (c) clarifying obligations in relation to disclosure of information relating to a reportable allegation or reportable conviction, and
- (d) ensuring children employed in the entertainment and exhibition industries fall within the scope of the Act, Part 6, and
- (e) clarifying the accreditation criteria for a government agency or organisation accredited under the Act, Schedule 3A (a ***designated agency***) and adoption service providers.

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.

Schedule 1 Amendment of Children's Guardian Act 2019 No 25

Schedule 1[3] inserts as a guiding principle to be applied in administering the Act and regulations the need to consult with the Aboriginal and Torres Strait Islander community to consider the impact of policies and procedures on Aboriginal and Torres Strait Islander children and communities and Aboriginal and Torres Strait Islander community-controlled organisations.

Schedule 1[5] clarifies that the head of a child safe organisation that is a relevant entity under the Act, Part 4 must ensure the organisation implements a reportable conduct policy.

Schedule 1[6]–[14] make minor amendments to the definitions of *complaint*, *Schedule 1 entity*, *employee*, *reportable conduct*, *sexual offence* and *neglect* for the Act, Part 4, omits the definition of *visiting health practitioner* and insert a definition of *volunteer*.

Schedule 1[15] and [17] make it clear that a report is exempt from being required until 30 business days after an investigation is suspended under the Act, section 33(5), or that a report prepared under the Act, section 36(2) is required to be made within 30 business days.

Schedule 1[16] provides that an employee the subject of a reportable allegation or report about a conviction concerning reportable conduct may make a written submission to the head of the relevant entity. **Schedule 1[18]** makes a consequential amendment.

Schedule 1[19] provides that the head of a relevant entity or the Children's Guardian, when assessing conduct in relation to a reportable allegation, is no longer required to consider whether the reportable allegation relates to conduct that is in breach of established standards applying to the employee of the relevant entity.

Schedule 1[20] is a law revision amendment that clarifies that conduct exempted from being notified to the Children's Guardian under the Act, section 30 is not conduct that is excluded from the meaning of reportable conduct in the Act, Part 4, Division 6.

Schedule 1[21] provides that, in certain circumstances, the Children's Guardian and other specified persons must or may disclose certain information relating to a reportable allegation or conviction considered to be a reportable conviction to specified persons. It also provides for the circumstances in which the Children's Guardian may disclose information obtained in the course of investigating reportable conduct or a determination about a conviction considered to be a reportable conviction.

Schedule 1[22] and [23] clarify the wording of the Act, section 61(1).

Schedule 1[25] amends the definition of *child* to mean persons who are less than 16 years of age, defines *relevant activity* for the Act, Part 6 to be taking part in an entertainment or exhibition, taking part in a performance that is recorded for use in a subsequent entertainment or exhibition or an activity prescribed by the regulations, and provides that taking part in an entertainment or exhibition includes engaging in acting, dancing, playing of an instrument, modelling and promotional work. **Schedule 1[24], [26]–[28] and [51]** make consequential amendments. These amendments make it clear that the Act, Part 6 applies to children employed in entertainment or exhibition industries.

Schedule 1[30] clarifies that powers in the Act, Schedule 2 may be exercised by an authorised person for the purpose of monitoring and accreditation under Part 7 or under the regulations in relation to adoption service providers. **Schedule 1[38]** makes a consequential amendment.

Schedule 1[31] sets out additional circumstances in which the office of Children's Guardian falls vacant.

Schedule 1[32] sets out the circumstances in which the Governor may remove the Children's Guardian from office.

Schedule 1[33] provides that the Minister may appoint a person to act in the office of the Children's Guardian in certain circumstances and remove, at any time, a person acting as the

Children's Guardian. It also provides that the person acting as Children's Guardian has all the functions of the Children's Guardian.

Schedule 1[34] repeals uncommenced provisions in the Act that provide that the Children's Guardian may remove daily care and control of a child or young person from an authorised carer and apply for the review of an order of the Children's Court. **Schedule 1[1]** makes a consequential amendment.

Schedule 1[35] provides that a function of an Official Community Visitor appointed under the Act, section 144 is to provide the Secretary with information on matters relating to the conduct of places where visitable services are provided or affecting the welfare and interests of children in visitable services.

Schedule 1[36] provides that the Minister must review the Act, Part 3A. It also provides for the functions of the Parliamentary Joint Committee constituted under the *Advocate for Children and Young People Act 2014*, section 36(1) (the **Joint Committee**), including that the Joint Committee is to monitor and review the exercise by the Children's Guardian of its functions under the Act and report to Parliament on the reports of the Children's Guardian. **Schedule 1[4]** and **Schedule 3[2]–[4]** make consequential amendments.

Schedule 1[37] provides that a private health facility that provides services to children is a Schedule 1 entity.

Schedule 1[39] provides that the Children's Guardian or an appointed officer (an **authorised person**) may enter a place if it is for the purposes of exercising the functions of the Children's Guardian to accredit and monitor an adoption service provider.

Schedule 1[40]–[42] provide that an authorised person may require a person to give information to the authorised person or attend before the authorised person at a reasonable time and place to answer questions if the Children's Guardian is preparing submissions to the Supreme Court relating to the exercise of the Children's Guardian's functions relating to the employment of children. **Schedule 1[29]** makes a consequential amendment.

Schedule 1[43] provides that the **accreditation criteria** for a designated agency are set out in the code of practice for designated agencies. **Schedule 1[44]** and **[45]** make consequential amendments.

Schedule 1[46] provides that the **accreditation criteria** for an adoption service provider are set out in the code of practice for adoption service providers. **Schedule 1[47]** and **[48]** make consequential amendments.

Schedule 1[49] inserts savings and transitional provisions.

Schedule 1[50] repeals the uncommenced provision in the Act that provides that providers of family group homes are a Schedule 1 entity. **Schedule 1[2]** makes a consequential amendment.

Schedule 1[52] amends the definition of **substitute residential care**.

Schedule 2 Amendment of Children's Guardian Regulation 2022

Schedule 2[1] and **[2]** make consequential amendments.

Schedule 2[3] provides for the maximum number of days per week and hours per day children under 16 years of age may be employed in entertainment or exhibition industries and live performances.

Schedule 3 Amendment of Advocate for Children and Young People Act 2014 No 29

Schedule 3[1] provides that all of the part-time members of the Youth Advisory Council are to be under 25 years of age at the time they are appointed.



New South Wales

Children's Guardian Amendment Bill 2025

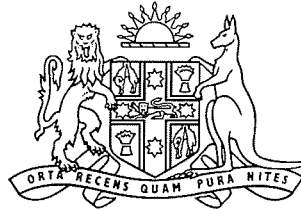
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This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council

Clerk of the Parliaments



New South Wales

Children's Guardian Amendment Bill 2025

No , 2025

A Bill for

An Act to amend the *Children's Guardian Act 2019* to implement a number of recommendations arising from a statutory review of the Act; and for other purposes.

The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with/without amendment.

Legislative Assembly

Clerk of the Legislative Assembly

Tabling copy

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Children's Guardian Amendment Act 2025</i> .	3
2 Commencement	4
This Act commences as follows—	5
(a) for Schedule 1[9], [10], [19], [21], [24]–[28], [43]–[48] and [51] and Schedule 2—on 1 October 2025,	6
	7
(b) for Schedule 1[37] and [52]—on 1 October 2026 or an earlier day or days to be appointed by proclamation,	8
	9
(c) otherwise—on the date of assent to this Act.	10

Schedule 1	Amendment of Children's Guardian Act 2019 No 25	1
		2
[1] Section 2 Commencement		3
Omit section 2(2)(a) and (b).		4
[2] Section 2(2)(c)		5
Omit "items 5–7". Insert instead "items 5 and 6".		6
[3] Section 8 Guiding principles		7
Insert after section 8(e1)—		8
(e2) the need to consult with the Aboriginal and Torres Strait Islander community to consider and address the impact of policies, practices and procedures on Aboriginal and Torres Strait Islander children, the children's families and communities and Aboriginal and Torres Strait Islander community-controlled organisations, and		9 10 11 12 13
[4] Section 8AC Oversight by Committee on Children and Young People		14
Omit the section.		15
[5] Section 8D Systems, policies and processes		16
Insert " , if the organisation is a relevant entity under Part 4," after "child safe organisation" in section 8D(2).		17 18
[6] Section 10 Definitions		19
Omit the definition of <i>complaint</i> , paragraph (a).		20
[7] Section 13 Meaning of "Schedule 1 entity"		21
Insert " , or part of an entity," after "entity" in the definition of <i>Schedule 1 entity</i> , paragraph (a).		22 23
[8] Section 13, definition of "Schedule 1 entity", paragraph (b)		24
Omit the paragraph.		25
[9] Section 16 Meaning of "employee"		26
Omit section 16(3)(a). Insert instead—		27
(a) a visiting practitioner within the meaning of the <i>Health Services Act 1997</i> , section 76, and		28 29
(a1) a person who is appointed, employed, contracted or otherwise engaged by a Schedule 1 entity to provide health care services, and		30 31
[10] Section 16(5), definition of "visiting health practitioner"		32
Omit the definition.		33
[11] Section 16(5)		34
Insert in alphabetical order—		35
<i>volunteer</i> includes a person undertaking vocational training, including a student undertaking an internship or practical placement as part of the student's course of studies.		36 37 38

[12] Section 20 Meaning of “reportable conduct”	1
Omit items 1–3 of the examples. Insert instead—	2
1 displaying behaviour patterns that are out of character, including anxiety that impairs functioning and self-harm	3
2 regressive behaviour	4
[13] Section 21 Meaning of “sexual offence”	5
Insert at the end of the examples—	6
4 voyeurism	7
[14] Section 24 Meaning of “neglect”	8
Insert at the end of the examples—	9
3 failing to seek medical treatment for a child	10
[15] Section 33 Concurrent investigations or proceedings	11
Insert “business” before “days” in section 33(5).	12
[16] Section 34 Investigation or determination by head of relevant entity	13
Insert after section 34(1)—	14
(1A) During an investigation, an employee the subject of a reportable allegation may make a written submission to the head of the relevant entity about whether the head of the relevant entity should make a finding of reportable conduct.	15
(1B) Before the head of the relevant entity makes a determination under subsection (1)(b), an employee the subject of the report about the conviction may make a written submission to the head of the relevant entity that the conviction considered to be a reportable conviction is not a reportable conviction.	16
[17] Section 36 Report by relevant entity about investigation or determination	17
Insert “business” before “days” wherever occurring in section 36(2).	18
[18] Section 37 Contents of entity report	19
Omit “section 34(2)” from section 37(1)(c). Insert instead “section 34(1A), (1B) or (2)”.	20
[19] Section 40 Assessing conduct	21
Omit section 40(3).	22
[20] Section 41 Conduct that is not reportable conduct	23
Omit the following from section 41—	24
procedures, or	25
(c) conduct of a class or kind exempted from being reportable conduct by the Children’s Guardian under section 30.	26
Insert instead “procedures.”.	27
[21] Sections 57 and 58	28
Omit the sections. Insert instead—	29
57 Disclosure of information	30
(1) This section applies to a person who is, or was, any of the following persons—	31

- (a) the Children's Guardian, 1
 - (b) the head of a relevant entity, or an investigator for the relevant entity, to 2
which a report of a reportable allegation or a conviction considered to 3
be a reportable conviction, in relation to an employee of the relevant 4
entity, was given. 5
- (2) A person to whom this section applies must disclose relevant information to 6
the following persons unless the person is satisfied the disclosure is not in the 7
public interest— 8
 - (a) a child to whom the information relates, 9
 - (b) a parent of the child. 10
- (3) Subsection (2) does not apply to the Children's Guardian unless the Children's 11
Guardian is exercising, or has exercised, functions under section 46. 12
- (4) A person to whom this section applies may disclose relevant information if— 13
 - (a) the disclosure is for the purpose of promoting the safety, welfare or 14
wellbeing of a child, or class of children, to whom the information 15
relates, and 16
 - (b) the information is disclosed to— 17
 - (i) if the employee the subject of the reportable allegation or 18
conviction considered to be a reportable conviction is a 19
contractor—the head of an entity, other than the relevant entity, 20
that engaged the employee as a contractor, or 21
 - (ii) a person who, under the *Children and Young Persons (Care and 22
Protection) Act 1998*, has daily care and control of a relevant 23
child, whether or not that care involves custody of the child, or 24
 - (iii) for information relating to a child in out-of-home care—an 25
authorised carer that provides out-of-home care to the child, or 26
 - (iv) a person prescribed by the regulations. 27
- (5) The head of a relevant entity or an investigator for the relevant entity that is a 28
public health entity may disclose relevant information to another public health 29
entity. 30
- (6) The head of a relevant entity to which a report of a reportable allegation or a 31
conviction considered to be a reportable conviction, in relation to an 32
employee, or former employee, of the relevant entity, was given may disclose 33
to the employee or former employee to whom the report relates— 34
 - (a) that the report has been made, and 35
 - (b) after the conclusion of the investigation or the determination about the 36
report, the following information— 37
 - (i) whether the head of the relevant entity has made a finding of 38
reportable conduct or a determination that the conviction is a 39
reportable conviction, 40
 - (ii) the reasons for the finding or determination, 41
 - (iii) information about action taken, or to be taken, in response to the 42
finding or determination. 43
- (7) Information must not be disclosed under subsection (6) if the head of a 44
relevant entity reasonably believes disclosure would— 45
 - (a) put a person's health or safety at serious risk, or 46
 - (b) put a person who made a report, complaint or notification, or other 47
person, at risk of being harassed or intimidated, or 48

- (c) prejudice an investigation or inquiry. 1
- (8) In this section— 2
- relevant child** means a child or a member of a class of children— 3
- (a) against whom an employee or former employee of an entity is alleged 4
or found to have committed reportable conduct, and 5
- (b) to whom the relevant information relates. 6
- relevant information** means the following information relating to a reportable 7
allegation or conviction considered to be a reportable conviction— 8
- (a) information about the nature of the reportable allegation or conviction 9
considered to be a reportable conviction, 10
- (b) information about the progress of the investigation, 11
- (c) information about the findings of the investigation, 12
- (d) information about action taken in response to the findings. 13
- public health entity** means the following persons or bodies— 14
- (a) the Ministry of Health, 15
- (b) a local health district within the meaning of the *Health Services Act* 16
1997, 17
- (c) a statutory health corporation within the meaning of the *Health Services* 18
Act 1997, 19
- (d) an affiliated health organisation within the meaning of the *Health* 20
Services Act 1997, 21
- (e) the Ambulance Service of NSW within the meaning of the *Health* 22
Services Act 1997, 23
- (f) the Cancer Institute (NSW) constituted by the *Cancer Institute (NSW)* 24
Act 2003, 25
- (g) the Health Administration Corporation constituted by the *Health* 26
Administration Act 1982, 27
- (h) the Health Professional Councils Authority Office. 28
- Note—** See the *Children and Young Persons (Care and Protection) Act 1998*, Chapter 29
16A for other provisions about the exchange of information and coordination of 30
services by agencies that have responsibilities relating to the safety, welfare or 31
wellbeing of children and young persons. 32
- 58 Other disclosures by Children's Guardian** 33
- (1) The Children's Guardian may also disclose information obtained in the course 34
of an investigation into reportable conduct or a determination about a 35
conviction considered to be a reportable conviction if the disclosure is made— 36
- (a) if the information relates to a public authority, including a Schedule 1 37
entity that is a public authority, and where the information is obtained 38
from a relevant entity—with the consent of the head of the relevant 39
entity, or of the responsible Minister, or 40
- (b) if the Children's Guardian believes on reasonable grounds that 41
disclosure to a person is necessary to prevent or reduce the likelihood of 42
harm being done to another person—to the person, or 43
- (c) for information obtained from another person—with the consent of the 44
person, or 45
- (d) for the purpose of proceedings under the *Police Act 1990*, section 167A, 46
or 47

(e)	for the purpose of proceedings under—	1
(i)	the <i>Public Interest Disclosures Act 2022</i> , section 33 or 37, or	2
(ii)	the <i>Independent Commission Against Corruption Act 1988</i> , section 79I or 79L, or	3
(iii)	the <i>Ombudsman Act 1974</i> , section 31R or 31U, or	4
(iv)	the <i>Law Enforcement Conduct Commission Act 2016</i> , section 97H or 97K, or	5
(f)	for the purpose of criminal proceedings resulting from an investigation under this Act, or	6
(g)	for the purpose of proceedings under—	7
(i)	this Act, section 161 or 169, or	8
(ii)	the <i>Royal Commissions Act 1923</i> , Part 3, or	9
(iii)	the <i>Special Commissions of Inquiry Act 1983</i> , Part 4, or	10
(h)	to a medical practitioner or psychologist in relation to the provision by that health practitioner of medical or psychiatric care, treatment or counselling, including psychological counselling to the Children's Guardian or an officer of the Children's Guardian, or	11
(i)	to an Official Community Visitor for the purpose of exercising the Official Community Visitor's functions under this Act, or	12
(j)	to a complainant, for the purposes of responding to a complaint about a relevant entity's handling of a reportable allegation or conviction considered to be a reportable conviction, or	13
(k)	for the purpose of discharging the Children's Guardian's functions under this Act or another Act.	14
(2)	Subsection (1) does not operate to make admissible in evidence in proceedings a document that would not have been admissible if the subsection had not been enacted.	15
[22]	Section 61 Children's Guardian, officer or expert as witness	16
	Omit "In relation to an investigation under this Part, the" from section 61(1).	17
	Insert instead "The".	18
[23]	Section 61(1)	19
	Insert "in the exercise of a function under this part" after "Office of the Children's Guardian".	20
[24]	Part 6, heading	21
	Omit the heading. Insert instead—	22
	Part 6 Child employment in entertainment, exhibition and certain other industries	23
[25]	Section 90	24
	Omit the section. Insert instead—	25
	90 Definitions	26
	(1) In this part—	27
	<i>child</i> means a person who is less than 16 years of age.	28

	<i>employment</i> means—	1
	(a) paid employment, or	2
	(b) employment under which a material benefit is provided.	3
	<i>relevant activity</i> means the following—	4
	(a) taking part in an entertainment or exhibition,	5
	(b) taking part in a performance that is recorded for use in a subsequent entertainment or exhibition,	6
	(c) an activity prescribed by the regulations for this definition.	8
(2)	For this part, a child takes part in an entertainment or exhibition if the child—	9
	(a) engages in acting, dancing, miming, playing of an instrument, singing, speaking, modelling, presenting or doing voice over work, or	10
	(b) engages in modelling, demonstrating products, performance art or promotional work, including advertising or work to raise public awareness, or	11
	(c) rehearses or prepares for an activity referred to in paragraph (a) or (b), or	12
	(d) takes part in publicity for an activity referred to in paragraph (a) or (b), or	13
	(e) stands in for another child to engage in an activity referred to in paragraph (a) or (b).	14
[26]	Section 92, heading	21
	Omit the heading. Insert instead—	22
	92 Requirement to hold employer's authority for child employment in entertainment, exhibition and certain other industries	23
		24
[27]	Section 92(1)	25
	Omit the subsection. Insert instead—	26
	(1) A person must not employ a child to carry out a relevant activity unless the person holds an employer's authority that authorises the person to employ children to carry out the activity.	27
	Maximum penalty—100 penalty units.	28
		29
		30
[28]	Section 93 Exemptions from requirement to hold employer's authority	31
	Omit "an activity mentioned in section 92(1)" from section 93(1).	32
	Insert instead "a relevant activity".	33
[29]	Section 105 Power to compel production of information	34
	Omit the section.	35
[30]	Section 113	36
	Insert after section 112—	37
	113 Powers of authorised persons	38
	Schedule 2 provides for powers that may be exercised by an authorised person for the purpose of monitoring and accreditation under this part or under the regulations in relation to adoption service providers.	39
		40
		41

[31] Section 121 Vacancy in office of Children's Guardian	1
Insert after section 121(1)(b)—	2
(b1) dies, or	3
(b2) completes a term of office and is not reappointed, or	4
(b3) becomes personally insolvent, or	5
(b4) becomes a mentally incapacitated person, or	6
(b5) is convicted—	7
(i) in New South Wales of an offence punishable by imprisonment for 12 months or more, or	8
(ii) elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence punishable by imprisonment for 12 months or more, or	9
(b6) is removed from office under section 122, or	10
[32] Section 122 Removal from office	11
Omit section 122(1). Insert instead—	12
(1) The Governor may remove the Children's Guardian from office, but only for incompetence, incapacity or misbehaviour.	13
[33] Section 123	14
Omit the section. Insert instead—	15
123 Acting Children's Guardian	16
(1) The Minister may, from time to time, appoint a person to act in the office of the Children's Guardian during the illness or absence of the Children's Guardian, or during a vacancy in the office of the Children's Guardian.	17
(2) A person acting as Children's Guardian has all the functions of the Children's Guardian.	18
(3) The Minister may, at any time, remove a person from the office of acting Children's Guardian.	19
(4) The acting Children's Guardian is entitled to be paid the remuneration and allowances decided by the Minister.	20
[34] Sections 131 and 132	21
Omit the sections.	22
[35] Section 145 Functions of Official Community Visitors	23
Insert after section 145(1)(f1)—	24
(f2) provide the Secretary with information, advice or reports on the following matters—	25
(i) matters relating to the conduct of places where visitable services are provided,	26
(ii) matters affecting the welfare, interests and conditions of children in visitable services, and	27
[36] Sections 183 and 183A	28
Omit section 183. Insert instead—	29

183	Review of Part 3A	1
(1)	The Minister must review Part 3A to determine whether—	2
(a)	the policy objectives of the child safe scheme set out in the part remain valid, and	3
(b)	the terms of the part, and the other related provisions of the Act, remain appropriate for securing the policy objectives.	4
(2)	The review must be undertaken as soon as possible after the period of 4 years from the commencement of the part.	5
(3)	A report on the outcome of the review must be tabled in each House of Parliament within 12 months after the end of the period of 4 years.	6
183A	Oversight by Committee on Children and Young People	7
(1)	The Committee on Children and Young People has the following functions under this Act—	8
(a)	to monitor and review the exercise by the Children's Guardian of the Children's Guardian's functions under this Act,	9
(b)	to review the activities of the Children's Guardian under Part 3A for consistency with the Royal Commission recommendations,	10
(c)	to review guidelines issued by the Minister under section 8AB(1) for consistency with the Royal Commission recommendations,	11
(d)	to report to both Houses of Parliament, with the comments as the Committee thinks fit, on any matter which the Committee considers should be brought to the attention of Parliament relating to the following—	12
(i)	the exercise of the Children's Guardian's functions specified in paragraphs (a) and (b),	13
(ii)	guidelines issued by the Minister under section 8AB(1),	14
(e)	to examine each annual or other report of the Children's Guardian and report to both Houses of Parliament on any matter appearing in, or arising out of, the report,	15
(f)	to inquire into any question in connection with the Children's Guardian's functions that is referred to the Committee by both Houses of Parliament, and report to both Houses on the question.	16
(2)	Nothing in this section authorises the Committee on Children and Young People—	17
(a)	to investigate a matter relating to particular conduct, including conduct under Part 4, or	18
(b)	to review a decision to investigate, not to investigate or to discontinue investigation of a particular matter, or	19
(c)	to review the findings, recommendations or other decisions of the Children's Guardian in relation to a particular matter.	20
(3)	In this section—	21
	<i>Committee on Children and Young People</i> means the Parliamentary Joint Committee constituted under the <i>Advocate for Children and Young People Act 2014</i> , section 36(1).	22
[37]	Schedule 1 Schedule 1 entities	23
	Insert at the end of the schedule, with appropriate item numbering—	24

	a private health facility within the meaning of the <i>Private Health Facilities Act 2007</i> that provides services to children	1 2
[38]	Schedule 2 Powers of authorised persons	3
	Insert "113," after "103," in the heading.	4
[39]	Schedule 2, clause 7(1)(c1)	5
	Insert after clause 7(1)(c)—	6
	(c1) it is for the purposes of the exercise of the functions of the Children's Guardian to accredit adoption service providers and to monitor their responsibilities under this Act or the regulations, or	7 8 9
[40]	Schedule 2, clause 14(1)(b1)	10
	Insert after clause 14(1)(b)—	11
	(b1) the Children's Guardian is preparing submissions to the Supreme Court under this Act relating to the exercise of the Children's Guardian's functions under section 128 relating to the employment of children, or	12 13 14
[41]	Schedule 2, clause 14(2)(a) and (b)	15
	Insert ", submissions being prepared" after "monitored" wherever occurring.	16
[42]	Schedule 2, clause 14(5)	17
	Insert after clause 14(4)—	18
	(5) If a document is produced under this clause, the authorised person—	19
	(a) may take possession of, and make copies of or take extracts from, the document, and	20 21
	(b) may keep possession of the document for the period necessary for the purpose for which the document was produced, and	22 23
	(c) if a person would otherwise be entitled to inspect the document if the document was not in the possession of the authorised person—must permit the person to inspect the document at all reasonable times.	24 25 26
[43]	Schedule 3A Accreditation of designated agencies	27
	Omit clause 1, definition of <i>accreditation criteria</i> . Insert instead—	28
	<i>accreditation criteria</i> means the accreditation criteria set out in the code of practice for designated agencies prescribed under section 8DA.	29 30
[44]	Schedule 3A, clause 2(1)–(4)	31
	Omit the subclauses.	32
[45]	Schedule 3A, clause 2(7)	33
	Omit the subclause. Insert instead—	34
	(7) Failure to publish a notice under subclause (6) does not affect the validity of the entities recognised or a decision made in relation to the recognition.	35 36
[46]	Schedule 3B Accreditation of adoption service providers	37
	Omit clause 1, definition of <i>accreditation criteria</i> . Insert instead—	38
	<i>accreditation criteria</i> means the accreditation criteria set out in the code of practice for adoption service providers prescribed under section 8DA.	39 40

[47] Schedule 3B, clause 2(1)–(3)	1
Omit the subclauses.	2
[48] Schedule 3B, clause 2(6)	3
Omit the subclause. Insert instead—	4
(6) Failure to publish a notice under subclause (5) does not affect the validity of the entities recognised or a decision made in relation to the recognition.	5 6
[49] Schedule 4 Savings, transitional and other provisions	7
Insert after Part 5—	8
Part 6 Provisions consequent on enactment of Children's Guardian Amendment Act 2025	9 10
23 Definitions	11
In this part—	12
<i>amending Act</i> means the <i>Children's Guardian Amendment Act 2025</i> .	13
<i>commencement day</i> means 1 October 2025.	14
24 Applications for accreditation	15
(1) An application for accreditation as a designated agency or an adoption service provider made before the commencement day, including an application for which a decision is deferred, must be dealt with as if the amending Act had not commenced.	16 17 18 19
(2) If the application is granted, it is taken to have been granted under this Act as amended by the amending Act.	20 21
[50] Schedule 5 Amendment of Acts and instruments	22
Omit Schedule 5.10[7].	23
[51] Schedule 6 Dictionary	24
Insert in alphabetical order—	25
<i>relevant activity</i> , for Part 6—see section 90.	26
[52] Schedule 6, definition of “substitute residential care”, paragraph (b)	27
Omit “for more than 2 nights in any period of 7 days”.	28

Schedule 2 Amendment of Children's Guardian Regulation 2022

[1] Section 54, heading

Omit the heading. Insert instead—

54 Meaning of “relevant activity”

[2] Section 54

Omit “For the Act, section 92(1)(d)”.

Insert instead “For the Act, section 90(1), definition of *relevant activity*, paragraph (c)”

[3] Schedule 6 Code of Practice—child employment

Omit sections 27 and 28. Insert instead—

27 Hours of work—entertainment or exhibition

- (1) This section applies to the employment of a child in the following—
 - (a) film, television, radio or shopping centre performances,
 - (b) still photography, including the production of images for broadcasting, modelling purposes and other exhibitions.
- (2) A child must not work other than as follows—

Age of child	Maximum days per week	Hours during which child may be employed	Maximum hours per day
Under 6 months	1 day	6am–6pm	4 hours
6 months–under 3 years	2 days	6am–6pm	4 hours
3 years–under 8 years	4 days	6am–11pm	6 hours
8 years–under 16 years	5 days	6am–11pm	8 hours

28 Hours of work—live performances

- (1) This section applies to the employment of a child in a live performance other than a performance referred to in section 27.
- (2) A child must not work other than as follows—

Age of child	Maximum days per week	Hours during which child may be employed	Maximum hours per day
Under 6 months	1 day	6am–6pm	4 hours
6 months–under 3 years	2 days	6am–6pm	4 hours
3 years–under 6 years	4 days	6am–9pm	4 hours
6 years–under 8 years	4 days	6am–10pm	6 hours

Age of child	Maximum days per week	Hours during which child may be employed	Maximum hours per day
8 years–under 16 years	4 days	6am–11pm	8 hours

Schedule 3	Amendment of Advocate for Children and Young People Act 2014 No 29	1
		2
[1] Section 21 Membership of Council		3
Omit “At least 6 of the part-time members” from section 21(3).		4
Insert instead “The part-time members”.		5
[2] Section 37 Functions of Committee		6
Omit section 37(1)(b).		7
[3] Section 37(1)(c)		8
Omit “, or on any matter relating to the exercise of the Children’s Guardian’s functions specified in paragraph (b),”.		9
		10
[4] Section 37(2)		11
Omit the subsection.		12