

Passed by both Houses



New South Wales

Children and Young Persons (Care and Protection) Amendment Bill 2009

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2009*



New South Wales

Children and Young Persons (Care and Protection) Amendment Bill 2009

Act No , 2009

An Act to amend the *Children and Young Persons (Care and Protection) Act 1998* to make further provision with respect to out-of-home care designated agencies and the provision of information to the Children's Guardian and the Director-General of the Department of Community Services; and for other purposes.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Children and Young Persons (Care and Protection) Amendment Act 2009*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Children and Young Persons (Care and Protection) Act 1998 No 157

[1] Section 141 Inability of designated agency to fulfil responsibilities

Insert after section 141 (1):

- (1A) The Department, in supervising the placement of a child or young person in out-of-home care under this section, does not take or assume any assets, rights or liabilities of the designated agency.

[2] Section 185 Provision and exchange of information

Insert before section 185 (1):

- (1A) The functions referred to in subsection (1) may be exercised by the Children's Guardian for any one or more of the following purposes:
- (a) for the purposes of providing information to, or exchanging information with, a prescribed person,
 - (b) for the purpose of exercising the functions of the Children's Guardian.

[3] Section 185 (1)

Omit "For the purposes of providing information to, or exchanging information with, a prescribed person, the".

Insert instead "The".

[4] Section 185 (1) (a) and (b)

Omit "the prescribed person" wherever occurring.

Insert instead "a prescribed person".

[5] Section 185 (2) and (2A)

Omit section 185 (2). Insert instead:

- (2) It is the duty of a prescribed person to whom a direction is given under subsection (1) (b) (being the Director-General or a Department of the Public Service) to comply promptly with the requirements of the direction.
- (2A) A prescribed person (other than the Director-General or a Department of the Public Service) must comply with a direction

of the Children's Guardian given under subsection (1) (b) within such reasonable time as is specified in the direction.

Maximum penalty: 10 penalty units.

[6] Section 248 Provision and exchange of information

Insert before section 248 (1):

(1AA) The functions referred to in subsection (1) may be exercised by the Director-General for any one or more of the following purposes:

- (a) for the purposes of providing information to, or exchanging information with, a prescribed body,
- (b) for the purpose of exercising the functions of the Director-General.

[7] Section 248 (1)

Omit "For the purposes of providing information to, or exchanging information with, a prescribed body, the".

Insert instead "The".

[8] Section 248 (1) (a) and (b)

Omit "the prescribed body" wherever occurring.

Insert instead "a prescribed body".

[9] Section 264 Regulations

Insert after section 264 (1A) (j):

- (k) the licensing of principal and other officers of designated agencies.

[10] Schedule 3 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

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