



New South Wales

Children and Young Persons (Care and Protection) Amendment (Children's Employment) Bill 2009

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 and Young Persons (Care and Protection) Act 1998*:

- (a) to extend the existing safeguards relating to the employment of children aged under 15 years to children aged 15 years and over (but under 16 years) who are employed as models, and
- (b) to increase the maximum penalty for certain offences in relation to the employment of children from 10 penalty units to 100 penalty units (currently \$11,000).

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.

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

Chapter 13 of the *Children and Young Persons (Care and Protection) Act 1998* (*the principal Act*) requires a person who employs a child under the age of 15 years to hold an employer's authority issued by the Minister for Community Services in certain circumstances. **Schedule 1 [1]** amends the definition of *child* in that Chapter so that this requirement, and the other requirements of the Chapter, extend to all children under the age of 16 years when employed as models.

Section 223 of the principal Act provides for various offences relating to children's employment, including employing a child in contravention of a condition of an employer's authority. **Schedule 1 [2]** increases the maximum penalty for these offences from 10 penalty units to 100 penalty units (currently \$11,000).

Schedule 1 [3] provides for the making of savings and transitional regulations consequent on the enactment of the proposed Act.

Schedule 1 [4] inserts a transitional provision consequent on the enactment of the proposed Act.

Schedule 2 Amendment of Children and Young Persons (Care and Protection—Child Employment) Regulation 2005

The *Children and Young Persons (Care and Protection—Child Employment) Regulation 2005* contains a Code of Practice that an employer is required to comply with as a condition of an employer's authority. **Schedule 2** makes a consequential amendment to the Code of Practice to extend the restrictions on the times of work for children aged between 8 and 15 years of age to children over 15 years of age (but under 16 years of age) employed as models.



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Children and Young Persons (Care and Protection) Amendment (Children's Employment) Bill 2009

No. , 2009

A Bill for

An Act to amend the *Children and Young Persons (Care and Protection) Act 1998* and related legislation with respect to the employment of children.

Clause 1 Children and Young Persons (Care and Protection) Amendment (Children's Employment) Bill 2009

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Children and Young Persons (Care and Protection) Amendment (Children's Employment) Act 2009</i> .	3
	4
2 Commencement	5
This Act commences on a day or days to be appointed by proclamation.	6

Schedule 1	Amendment of Children and Young Persons (Care and Protection) Act 1998 No 157	1 2 3
[1] Section 221 Definitions		4
	Omit the definition of <i>child</i> in section 221 (1). Insert instead:	5
	<i>child</i> means:	6
	(a) a person under the age of 15 years (except as provided by paragraph (b)), or	7 8
	(b) a person under the age of 16 years (in the case of employment as a model).	9 10
[2] Section 223 Certain employers of children to be authorised		11
	Omit "10 penalty units". Insert instead "100 penalty units".	12
[3] Schedule 3 Savings, transitional and other provisions		13
	Insert at the end of clause 1 (1):	14
	<i>Children and Young Persons (Care and Protection) Amendment (Children's Employment) Act 2009</i>	15 16
[4] Schedule 3		17
	Insert at the end of the Schedule with appropriate Part and clause numbering:	18
Part	Provision consequent on enactment of Children and Young Persons (Care and Protection) Amendment (Children's Employment) Act 2009	19 20 21 22
	Application of amendment	23
	The amendment to the definition of <i>child</i> in section 221 made by the <i>Children and Young Persons (Care and Protection) Amendment (Children's Employment) Act 2009</i> extends to the employment of a person on or after the commencement of that amendment, even if the contract or other arrangement under which the person is employed was entered into or made before that commencement.	24 25 26 27 28 29 30

Children and Young Persons (Care and Protection) Amendment (Children's Employment) Bill 2009

Schedule 2 Amendment of Children and Young Persons (Care and Protection—Child Employment) Regulation 2005

Schedule 2 Amendment of Children and Young Persons (Care and Protection—Child Employment) Regulation 2005 1
2
3

Schedule 1 Code of Practice 4

Insert “(or 16 years for models)” after “15 years” in the Column with the heading “Age” in Table A. 5
6