

**CHILDREN (CARE AND PROTECTION) AMENDMENT
ACT 1987 No. 269**

NEW SOUTH WALES



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SCHEDULE 1—AMENDMENTS

CHILDREN (CARE AND PROTECTION) AMENDMENT ACT 1987
No. 269

NEW SOUTH WALES



Act No. 269, 1987

An Act to amend the Children (Care and Protection) Act 1987 with respect to the regulation of residential child care centres, adjournments of care proceedings and certain other matters. [Assented to 16 December 1987]

*Children (Care and Protection) Amendment 1987***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Children (Care and Protection) Amendment Act 1987.

Amendment of Act No. 54, 1987

2. The Children (Care and Protection) Act 1987 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 2)

(1) Section 3 (Definitions)—**(a) Section 3 (1), definition of “residential child care centre”—**

Omit the definition, insert instead:

“residential child care centre” means any premises at which one or more children (disregarding any children who are related to the person in charge of the premises) reside, but does not include any premises that are exempt premises;

(b) Section 3 (7)—

Omit the subsection.

(c) Section 3 (9) (a)—

Omit “66A, 66B, 66C or 66D”, insert instead “65A, 66A, 66B, 66C, 66D, 66F, 78H, 78I, 78J, 78K, 78L, 78M, 78N, 78O, 78P or 78Q”.

(2) Section 22 (Notification of child abuse)—**Section 22 (1)–(4)—**

After “that a child” wherever occurring, insert “who is under the age of 16 years”.

(3) Section 33A—

Before section 34, insert:

Application of Division

33A. This Division applies to such class of residential child care centres as may be prescribed by the regulations for the purposes of this Division.

SCHEDULE 1—AMENDMENTS—*continued*

- (4) Section 34 (**Unauthorised persons not to conduct residential child care centres**)—
 Section 34 (1)—
 After “centre” where firstly occurring, insert “to which this Division applies”.
- (5) Section 35 (**Unlicensed premises etc. not to be used as residential child care centres**)—
 Section 35 (1)—
 After “centre” where firstly occurring, insert “to which this Division applies”.
- (6) Section 37 (**Removal of children from unlicensed residential child care centres**)—
 Section 37 (1) (a) (i)—
 After “centre”, insert “to which this Division applies”.
- (7) Section 74 (**Assessment reports**)—
 (a) Section 74 (1) (b)—
 After “child”, insert “(being a child who is of or above the age of 10 years)”.
- (b) Section 74 (3)—
 After section 74 (2), insert:
 (3) Nothing in this section requires a copy of the whole or any part of an assessment report to be given to a child if, in the opinion of the Children’s Court, the prejudicial effect of the child being unaware of the information contained in the whole or that part of the report is outweighed by the psychological harm that is likely to be occasioned to the child if the child becomes aware of that information.
- (8) Section 76 (**Adjournments by the Children’s Court**)—
 (a) Section 76 (2) (b)—
 After “days”, insert “except where it is impracticable to determine the proceedings within that period”.
- (b) Section 76 (3)—
 After section 76 (2), insert:
 (3) If, in the circumstances referred to in subsection (2) (b), the Children’s Court adjourns proceedings for a period, or for periods in the aggregate, exceeding 42 days, it shall forthwith furnish to the child, to the Minister and to the Attorney General a statement of the reasons for its decision.

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SCHEDULE 1—AMENDMENTS—*continued*

- (9) Section 80 (**Adjournments by authorised justices prior to hearings**)—
- (a) Section 80 (3) (a)—
Omit “3”, insert instead “5”.
 - (b) Section 80 (3) (b)—
Omit “2”, insert instead “3”.