



New South Wales

Children and Young Persons (Care and Protection) Amendment Act 2009 No 22

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Children and Young Persons (Care and Protection) Amendment Act 2009 No 22

Act No 22, 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. [Assented to 19 May 2009]

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):

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

[Agreement in principle speech made in Legislative Assembly on 6 May 2009

Second reading speech made in Legislative Council on 13 May 2009]

BY AUTHORITY