



New South Wales

Children and Young Persons (Care and Protection—Child Employment) Amendment Regulation 2008

under the

Children and Young Persons (Care and Protection) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Children and Young Persons (Care and Protection) Act 1998*.

KEVIN GREENE, M.P.,
Minister for Community Services

Explanatory note

The object of this Regulation is to amend the *Children and Young Persons (Care and Protection—Child Employment) Regulation 2005*:

- (a) to provide that for the purposes of Chapter 13 (Children's employment) of the *Children and Young Persons (Care and Protection) Act 1998*, a person is taken to employ a child if the person makes a payment to (or confers any other material benefit on) the child in respect of services rendered by the child, and
- (b) to make it clear that if there is any inconsistency between a provision of the Code of Practice relating to children's employment (contained in Schedule 1 to that Regulation) and a provision of an award or agreement in force under the *Industrial Relations Act 1996* that applies to a child, the provision of the award or agreement prevails if it is more beneficial to the child than the provision of the Code.

This Regulation is made under the *Children and Young Persons (Care and Protection) Act 1998*, including Chapter 13 (Children's employment) and section 264 (the general regulation-making power) of, and Schedule 2 (Provisions relating to employers' authorities) to, that Act.

2008 No 124

Children and Young Persons (Care and Protection—Child Employment)
Clause 1 Amendment Regulation 2008

**Children and Young Persons (Care and Protection—
Child Employment) Amendment Regulation 2008**

under the

Children and Young Persons (Care and Protection) Act 1998

1 Name of Regulation

This Regulation is the *Children and Young Persons (Care and Protection—Child Employment) Amendment Regulation 2008*.

**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* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 2)

[1] Clause 4

Omit the clause. Insert instead:

4 Definition of “employment” (section 221)

For the purposes of section 221 (2) of the Act, a person is taken to employ a child if the person makes a payment to (or confers any other material benefit on) the child or another person in respect of services rendered by the child.

[2] Schedule 1 Code of Practice

Omit clause 15 of the Schedule. Insert instead:

15 Awards and agreements under the Industrial Relations Act 1996

If there is any inconsistency between a provision of this Code of Practice and a provision of an award or agreement in force under the *Industrial Relations Act 1996* that applies to a child, then the provision of the award or agreement prevails if it is more beneficial to the child than the provision of the Code.