

Act No. 269

CHILDREN (CARE AND PROTECTION) AMENDMENT BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Community Welfare (Amendment) Bill 1987.

The object of this Bill is to amend the Children (Care and Protection) Act 1987 so as—

- (a) to extend the operation of that Act with respect to residential child care centres;
- (b) to amend the definition of “sexual assault” in the light of recent amendments to the Crimes Act 1900;
- (c) to vary the provisions of the Principal Act with respect to adjournments; and
- (d) to make other provisions of a minor, consequential or ancillary nature.

Clause 1 specifies the short title of the proposed Act.

Clause 2 gives effect to the Schedule of amendments.

Schedule 1 (1) (a) substitutes the definition of “residential child care centre” in section 3 (1) of the Principal Act so as to include within the ambit of the new definition centres at which one or more (rather than 6 or more, as is presently the case) children reside and centres that are conducted otherwise than for fee, gain or reward.

Schedule 1 (1) (b) omits section 3 (7) of the Principal Act as a consequence of the amendment effected by Schedule 1 (1) (a).

Schedule 1 (1) (c) amends section 3 (9) of the Principal Act so as to extend the range of offences under the Crimes Act 1900 that are to constitute “sexual assault” within the meaning of the Principal Act.

Schedule 1 (2) amends section 22 of the Principal Act so as to restrict the operation of that section to children who are under the age of 16 years.

Children (Care and Protection) Amendment 1987

Schedule 1 (3) inserts a new section 33A into the Principal Act. The proposed section limits the licensing provisions relating to residential child care centres (contained in Division 2 of Part 3 of the Principal Act) to such centres as are prescribed by the regulations under the Principal Act.

Schedule 1 (4)–(6) amend sections 34, 35 and 37 of the Principal Act as a consequence of the amendment effected by Schedule 1 (3).

Schedule 1 (7) amends section 74 of the Principal Act so as to limit the obligation of the Children's Court to ensure that a child to whom care proceedings relate be given a copy of an assessment report prepared in respect of those proceedings in cases in which the child is under 10 years of age or in which it appears that the report may cause psychological harm to the child.

Schedule 1 (8) amends section 76 of the Principal Act so as to repeal the restriction that is currently contained in that section under which proceedings in a care application may not be adjourned for periods totalling more than 42 days, but imposes a requirement that the Attorney General must be notified in situations where that limit is exceeded.

Schedule 1 (9) amends section 80 of the Principal Act so as to enable an authorised justice to adjourn proceedings for periods totalling 8 days rather than, as is currently provided by that section, 5 days.
