

[Act 1998 No 158]



New South Wales

# Children and Young Persons Legislation (Repeal and Amendment) Bill 1998

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.  
This Bill is cognate with the *Children and Young Persons (Care and Protection) Bill 1998*.

## Overview of Bill

The objects of this Bill are:

- (a) to repeal the *Children (Care and Protection) Act 1987*, and
  - (b) to amend the *Children's Court Act 1987*:
    - to provide for the appointment of Children's Registrars
    - to specify the qualifications for appointment of a Children's Magistrate
    - to make further provision concerning the status and functions of the Senior Children's Magistrate
    - to abolish the office of authorised Magistrate, and
  - (c) to amend certain other Acts as a consequence of the enactment of the *Children and Young Persons (Care and Protection) Act 1998*.
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## 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.

**Clause 3** repeals the *Children (Care and Protection) Act 1987*.

**Clause 4** is a formal provision giving effect to the Schedule of amendments to the *Children's Court Act 1987*.

**Clause 5** is a formal provision giving effect to the Schedule of amendments to certain other Acts.

### **Schedule 1 Amendment of Children's Court Act 1987**

The *Children's Court Act 1987* is amended both in consequence of the enactment of the *Children and Young Persons (Care and Protection) Act 1998* and in ways that are not consequential on that enactment.

**Schedule 1 [7]** inserts proposed section 10A in the *Children's Court Act 1987* (the Principal Act). The proposed section makes provision for Children's Registrars, who are to exercise certain functions under the *Children and Young Persons (Care and Protection) Act 1998*. **Schedule 1 [2], [8] and [16]** make consequential amendments.

**Schedule 1 [3]** repeals and re-enacts section 7 (2) of the Principal Act. That subsection specifies the qualifications for appointment as a Children's Magistrate. The new qualifications include certain knowledge and skills (as well as training and experience). **Schedule 1 [4]** inserts proposed section 7 (2A), which requires Children's Magistrates to complete certain ongoing courses of training.

**Schedule 1 [5]** inserts proposed section 8 (4) in the Principal Act. The proposed subsection provides that the Senior Children's Magistrate is taken to be a Deputy Chief Magistrate. **Schedule 1 [13]** inserts proposed section 16 (1) (e)–(g), which expand the functions of the Senior Children's Magistrate. **Schedule 1 [11] and [12]** make consequential amendments.

**Schedule 1 [6]** repeals section 10 of the Principal Act. The effect of the repeal is the abolition of *authorised Magistrates*. (Authorised Magistrates are not specialist Children's Magistrates, but are Magistrates who may exercise the jurisdiction of the Children's Court when sitting at places specified in a proclamation made under section 10.) **Schedule 1 [1], [9], [14] and [15]** make consequential amendments.

**Schedule 1 [10]** inserts proposed Part 3A, containing sections 15A and 15B, in the Principal Act.

Proposed section 15A provides for the establishment of a Children's Court Advisory Committee. The functions of the Committee include providing advice to the Attorney General, the Minister for Community Services and the Children's Court.

Proposed section 15B provides for the establishment of a Children's Court Clinic. Its functions include making clinical assessment of children and submitting reports to courts.

**Schedule 1 [17]** is a formal provision giving effect to the Schedule of savings and transitional provisions inserted in the Principal Act by **Schedule 1 [18]**.

## **Schedule 2      Amendment of other Acts**

**Schedule 2** amends various other Acts in consequence of the enactment of the *Children and Young Persons (Care and Protection) Act 1998*.