

Passed by both Houses



New South Wales

Children and Young Persons (Care and Protection) Amendment Bill 2024

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2024



New South Wales

Children and Young Persons (Care and Protection) Amendment Bill 2024

Act No _____, 2024

An Act to amend the *Children and Young Persons (Care and Protection) Act 1998* in relation to the extraterritorial application of the Act to children and young persons outside of New South Wales.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Children and Young Persons (Care and Protection) Amendment Act 2024*.

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 4 Children and young persons to whom this Act applies

Omit “who are present in New South Wales, or” from section 4(b).

Insert instead—

who—

- (i) are present in New South Wales, or
- (ii) have a sufficient connection to New South Wales, or

[2] Section 4(2) and (3)

Insert at the end of section 4—

- (2) This Act is intended to have extraterritorial application in so far as the legislative powers of the State permit, including in relation to children and young persons who do not ordinarily live in, or who are not present in, New South Wales.
- (3) In determining whether a child or young person has a sufficient connection to New South Wales for subsection (1)(b)(ii), the following may be considered—
 - (a) whether the child or young person is the subject of a care order under this Act,
 - (b) whether members of the child or young person’s family, kin or community live in New South Wales,
 - (c) any time the child or young person spends in New South Wales, including under arrangements for contact,
 - (d) whether the child or young person attends school or participates in other programs or services in New South Wales,
 - (e) any plans for the child or young person to return to live in New South Wales, including plans for the child or young person to be restored to the child or young person’s parents in New South Wales,
 - (f) whether the particular matter could be dealt with by another court in another jurisdiction.

[3] Schedule 3 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provision consequent on enactment of Children and Young Persons (Care and Protection) Amendment Act 2024

Application of amendments

- (1) A relevant function exercised before the commencement date, that would have been validly exercised if the amending Act had commenced before the relevant function was exercised, is taken to have been validly exercised.
- (2) An order made by a court under this Act before the commencement date, that would have been validly made if the amending Act had commenced before the order was made, is taken to have been validly made.
- (3) In this clause—

amending Act means the *Children and Young Persons (Care and Protection) Amendment Act 2024*.

commencement date means the date on which the amending Act commences.

relevant function means a function conferred or imposed by this Act or the regulations.