

Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009 No 13

[2009-13]



New South Wales

Status Information

Currency of version

Historical version for 1 April 2010 to 30 June 2010 (accessed 25 November 2024 at 2:45)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have commenced.

Notes—

- **Note**

Amending Acts and amending provisions are subject to automatic repeal pursuant to sec 30C of the [Interpretation Act 1987 No 15](#) once the amendments have taken effect.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009 No 13



New South Wales

An Act to amend the *Children and Young Persons (Care and Protection) Act 1998* and other legislation to give effect to recommendations of the Special Commission of Inquiry into Child Protection Services in NSW; and for other purposes.

1 Name of Act

This Act is the *Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Repeal of *Children (Care and Protection) Act 1987 No 54*

The *Children (Care and Protection) Act 1987* is repealed.

Schedule 1 Amendment of *Children and Young Persons (Care and Protection) Act 1998 No 157*

1.1

(Repealed)

1.2 Amendments relating to recommendations 11.1 and 11.3

[1]-[23] (Repealed)

[24] Section 86 Contact orders

Insert after section 86 (1):

(1A) The Children's Court may make an order of the kind referred to in subsection (1)

(a) only if:

(a) it is made as an interim order pending the conclusion of the proceedings, or

- (b) the Court has, under section 83, approved a permanency plan involving restoration in relation to that child or young person.

[25] Section 86 (5) and (6)

Insert after section 86 (4):

- (5) The regulations may make provision for or with respect to the referral, to alternative dispute resolution services, of disputes arising out of contact between a child or young person who is in out-of-home care and his or her parents or other family members.
- (6) Any such regulation is to apply only in relation to matters in respect of which the Children's Court does not have power to make a contact order under this section.

[26]-[33] (Repealed)

1.3 Amendments relating to recommendations 11.1 (xvii) and 16.16 (i) and (viii)

[1]-[14] (Repealed)

[15] Section 172A

Insert after section 172:

172A Prohibition on parents placing children or young persons in out-of-home care provided by unauthorised organisations

A parent of a child or young person must not cause or permit, or make arrangements for, the child or young person to be placed in out-of-home care that is provided or arranged by an organisation unless the organisation is a relevant agency within the meaning of section 156.

Maximum penalty: 200 penalty units.

1.4, 1.5

(Repealed)

1.6 Other miscellaneous or consequential amendments

[1]-[6] (Repealed)

Schedule 2 Amendments relating to recommendations 11.2, 13.1,

13.3, 13.4, 13.9 and 13.12

2.1 Amendment of Children and Young Persons (Care and Protection) Act 1998 No 157

[1]-[4] (Repealed)

2.2 Amendment of Children’s Court Act 1987 No 53

[1]-[9] (Repealed)

[10] Section 15B Children’s Court Clinic

Omit “Attorney General” from section 15B (1).

Insert instead “Minister for Health”.

[11]-[15] (Repealed)

[16] Schedule 2, Part 3

Insert after Part 2:

Part 3 Provisions consequent on enactment of Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009

6 Definition

In this Part:

amending Act means the *Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009*.

7 Provisions relating to abolished office of Senior Children’s Magistrate

- (1) In accordance with section 56 (2) of the *Constitution Act 1902*, the person who, immediately before the repeal of section 8 of this Act by the amending Act, held office as Senior Children’s Magistrate is entitled (without loss of remuneration) to hold office as a Magistrate or Children’s Magistrate for the remainder of the term for which the person was appointed as Senior Children’s Magistrate.
- (2) A reference to the Senior Children’s Magistrate in any other Act (other than the *Constitution Act 1902*) or statutory instrument is to be construed as a reference to the President.

8 Provisions relating to Children’s Court Clinic

The regulations made under clause 1 (1) may make provision for or with respect to:

- (a) transferring the staff of the Children’s Court Clinic, and
- (b) requiring references to the Children’s Court Clinic in this or any other Act or statutory instrument, or any other instrument, or any contract or agreement, to be construed as a reference,

to such public sector agency (or part of a public sector agency) as may be prescribed by the regulations.

2.3-2.5

(Repealed)

2.6 Amendment of Children’s Court Rule 2000

[1]-[3] (Repealed)

[4] Clause 33 Composition of Children’s Court Clinic

Omit “Attorney General” wherever occurring.

Insert instead “Minister for Health”.

[5] (Repealed)

Schedule 3 Amendments relating to recommendations 23.3, 23.4 and 23.8

3.1 Amendment of Commission for Children and Young People Act 1998 No 146

[1] (Repealed)

[2] Section 11 (k)

Omit the paragraph.

[3] Sections 15 (1) and 15A (1)

Omit “(other than its functions under section 11 (k))” wherever occurring.

[4]-[10] (Repealed)

[11] Section 45B

Omit the section. Insert instead:

45B Establishment of the Team

The Child Death Review Team is established by this Act.

[12] Section 45C Composition of the Team

Omit section 45C (1). Insert instead:

(1) The Team is to consist of the following members:

- (a) the Ombudsman, who is to be the Convenor of the Team,
- (b) the Commissioner,
- (c) such other persons as may be appointed by the Minister.

(1A) The Team is to be supported and assisted in the exercise of its functions by members of staff of the Ombudsman's Office.

[13] Sections 45C (6)

Insert "and the Commissioner" after "the Convenor" wherever occurring.

[14] Sections 45E, 45G and 45H

Insert "or the Commissioner" after "the Convenor" wherever occurring.

[15] Section 45F Remuneration

Insert ", the Commissioner" after "the Convenor".

[16] Section 45N Functions of the Team

Omit section 45N (3).

[17] Section 45S Preparation and presentation of reports

Omit "or as part of a report of the Commission under Part 5" from section 45S (3).

[18] Section 45U Confidentiality of information

Omit section 45U (1) (c) (iv).

[19] (Repealed)

3.2 Amendment of [Community Services \(Complaints, Reviews and](#)

Monitoring) Act 1993 No 2

[1]-[5] (Repealed)

3.3, 3.4

(Repealed)