

Children and Young Persons Legislation (Repeal and Amendment) Act 1998 No 158

[1998-158]



New South Wales

Status Information

Currency of version

Historical version for 1 January 2011 to 6 January 2011 (accessed 20 March 2025 at 7:17)

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—

- **Does not include amendments by**
[Statute Law \(Miscellaneous Provisions\) Act \(No 2\) 2010 No 119](#) (not commenced — to commence on 7.1.2011)

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 and Young Persons Legislation (Repeal and Amendment) Act 1998 No 158



New South Wales

An Act to repeal the *Children (Care and Protection) Act 1987*; to amend the *Children's Court Act 1987*; and to amend certain other Acts as a consequence of the enactment of the *Children and Young Persons (Care and Protection) Act 1998*.

1 Name of Act

This Act is the *Children and Young Persons Legislation (Repeal and Amendment) Act 1998*.

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*

- (1) The *Children (Care and Protection) Act 1987* is repealed.
- (2) Different days may be appointed for the commencement of subsection (1) for the purpose of repealing, on different days, different provisions of the *Children (Care and Protection) Act 1987*.
- (3) For the purpose of giving effect to the amendment made by section 5 and Schedule 2.7, and despite the terms of that amendment:
 - (a) a provision of the *Children (Care and Protection) Act 1987* specified in Schedule 1 to the *Commonwealth Powers (Family Law—Children) Act 1986* does not cease to be so specified until the provision is repealed pursuant to this section, and
 - (b) a provision of the *Children and Young Persons (Care and Protection) Act 1998* does not become a provision specified in Schedule 1 to the *Commonwealth Powers (Family Law—Children) Act 1986* until the provision is commenced pursuant to section 2 of the *Children and Young Persons (Care and Protection) Act 1998*.

4 (Repealed)

5 Amendment of other Acts

Each Act specified in Schedule 2 is amended as set out in that Schedule.

Schedule 1 (Repealed)

Schedule 2 Amendment of other Acts

(Section 5)

2.1-2.5

(Repealed)

2.6 Children (Protection and Parental Responsibility) Act 1997 No 78

[1] Section 3 Definitions

Omit the definition of **carer**. Insert instead:

carer of a person means any person who has the daily care and control of a child under out-of-home care arrangements made under the *Children and Young Persons (Care and Protection) Act 1998*.

[2]-[5] (Repealed)

2.7-2.9

(Repealed)

2.10 Coroners Act 1980 No 27

Sections 12B (1) (g) and 13 (1) (h)

Omit “a residential child care centre licensed under the *Children (Care and Protection) Act 1987*” wherever occurring.

Insert instead “a place at which out-of-home care within the meaning of the *Children and Young Persons (Care and Protection) Act 1998* was provided to the person”.

2.11-2.13

(Repealed)

2.14 Evidence Act 1995 No 25

Section 19 Compellability of spouses and others in certain criminal proceedings

Omit the matter relating to the *Children (Care and Protection) Act 1987*.

Insert instead:

section 222 (Endangering children in employment), 223 (Certain employers of children

to be authorised), 227 (Child and young person abuse) or 228 (Neglect of children and young persons) of the *Children and Young Persons (Care and Protection) Act 1998*

2.15, 2.16

(Repealed)

2.17 Inclosed Lands Protection Act 1901 No 33

Section 3 Definitions

Omit paragraph (b) of the definition of **child care service** in section 3 (1).

Insert instead:

(b) out-of-home care provided by a designated agency or an authorised carer within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*.

2.18-2.21

(Repealed)

2.22 Navigation Act 1901 No 60

Section 158A Record of employees under 16 years on ships

Omit “Part 4 to the *Children (Care and Protection) Act 1987*” from the note to section 158A.

Insert instead “Chapter 13 of the *Children and Young Persons (Care and Protection) Act 1998*”.

2.23

(Repealed)

2.24 Public Health Act 1991 No 10

Section 42A Definitions

Omit paragraph (a) of the definition of **child care facility**.

Insert instead:

(a) a children’s service to which Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998* applies, or

2.25-2.27

(Repealed)