



New South Wales

Children and Young Persons (Care and Protection—Child Employment) (Savings and Transitional) Regulation 2004

under the

Children and Young Persons (Care and Protection) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Children and Young Persons (Care and Protection) Act 1998*.

CARMEL TEBBUTT, M.L.C.,
Minister for Community Services

Explanatory note

The object of this Regulation is to apply, for a period of 12 months from 1 February 2004, the *Children (Care and Protection—Child Employment) Regulation 2001* made under the *Children (Care and Protection) Act 1987* as if it were a regulation made under the *Children and Young Persons (Care and Protection) Act 1998*. The effect of the Regulation will be to prescribe the matters necessary to complete the legislative scheme contained in Chapter 13 (Children's employment) of the *Children and Young Persons (Care and Protection) Act 1998*. In particular, the Regulation will continue the effect of the existing Code of Practice governing children's employment.

The provisions of Chapter 13 of the 1998 Act are substantially the same as the provisions of Part 4 (Employment of children) of the *Children (Care and Protection) Act 1987* which they replace.

This Regulation contains provisions of a savings or transitional nature.

This Regulation is made under the *Children and Young Persons (Care and Protection) Act 1998*, including section 264 (the general regulation-making power) and clause 1 of Schedule 3.

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Children and Young Persons (Care and Protection— Child Employment) (Savings and Transitional) Regulation 2004

under the

Children and Young Persons (Care and Protection) Act 1998

1 Name of Regulation

This Regulation is the *Children and Young Persons (Care and Protection—Child Employment) (Savings and Transitional) Regulation 2004*.

2 Commencement

This Regulation commences on 1 February 2004.

3 Definitions

In this Regulation:

2001 Regulation means the *Children (Care and Protection—Child Employment) Regulation 2001* as in force immediately before 1 February 2004.

Code of Practice means the Code of Practice set out in Schedule 1 to the 2001 Regulation.

the 1987 Act means the *Children (Care and Protection) Act 1987*.

the 1998 Act means the *Children and Young Persons (Care and Protection) Act 1998*.

4 Adoption of 2001 Regulation

The 2001 Regulation (clause 8 excepted) is taken to be a regulation made under the 1998 Act.

5 Modification of 2001 Regulation

- (1) A reference in the 2001 Regulation to a provision of the 1987 Act specified in Column 1 of the Table to this clause is taken to be a reference to the provision of the 1998 Act set out opposite that provision in Column 2 of the Table.

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Clause 6

Children and Young Persons (Care and Protection—Child Employment)
(Savings and Transitional) Regulation 2004**Table**

Column 1	Column 2
Provision of 1987 Act	Provision of 1998 Act
section 50 (2)	section 221 (2)
section 52 (1) (d)	section 223 (1) (d)
section 53 (1) (c)	section 224 (1) (c)
section 53 (5) (b)	section 224 (5) (b)
clause 5 (a) of Schedule 1A	clause 5 (a) of Schedule 2
clause 6 (1) of Schedule 1A	clause 6 (1) of Schedule 2

- (2) A reference in clause 1 (3) of Schedule 1 to the 2001 Regulation to a Departmental inspector is taken to be a reference to an inspector of the Office of Children's Guardian.

6 Applications for authorities and exemptions (clause 1 of Schedule 2 to the 1998 Act)

- (1) For the purposes of clause 1 (1) of Schedule 2 to the 1998 Act, the following fees are the prescribed fees for an application for an employer's authority or for an exemption from the requirement to hold such an authority:
- (a) \$1,100, in the case of an application that relates to work that involves participation in any entertainment, exhibition or performance, as referred to in section 223 (1) (a) or (b) of the 1998 Act,
 - (b) \$550, in the case of an application that relates to work that involves offering anything for sale door-to-door, as referred to in section 223 (1) (c) of the 1998 Act,
 - (c) \$484, in the case of an application that relates to work that involves participation in still photographic sessions.
- (2) The Minister may reduce the amount of any such fee by up to 50 per cent if satisfied that the number of children that the applicant seeks to employ under the authority at any one time is not more than 5 and the period for which the authority is sought is not more than 1 month.

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- (3) The Minister may reduce the amount of any fee payable under this clause by up to 10 per cent if satisfied that the applicant displays a proven commitment to the principles of the Code of Practice.
 - (4) In the case of a fee that has been reduced in accordance with subclause (2), the reduction permitted by subclause (3) applies to the fee as so reduced.

7 Expiry of Regulation

This Regulation ceases to have effect on 1 February 2005.