

South Australia

# Children's Protection Act 1993

An Act to provide for the care and protection of children; and for other purposes.

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**The Parliament of South Australia enacts as follows:**

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *Children's Protection Act 1993*.

### 6—Interpretation

- (1) In this Act, unless the contrary intention appears—

*Aboriginal and Torres Strait Islander Child Placement Principle* means the Aboriginal and Torres Strait Islander Child Placement Principle as stated in the regulations;

**Aboriginal child** means a child—

- (a) who is a descendant of the indigenous inhabitants of Australia; and
- (b) who regards himself or herself as an Aboriginal or, if he or she is a young child, is regarded as an Aboriginal by at least one of his or her parents;

**abuse or neglect**, in relation to a child, means—

- (a) sexual abuse of the child; or
- (b) physical or emotional abuse of the child, or neglect of the child, to the extent that—
  - (i) the child has suffered, or is likely to suffer, physical or psychological injury detrimental to the child's wellbeing; or
  - (ii) the child's physical or psychological development is in jeopardy,

and **abused** or **neglected** has a corresponding meaning;

**alternative care** means care provided for a child on a residential basis—

- (a) by or through a government or non-government agency; or
- (b) in a foster home (including a foster home provided by a member of the child's family),

and includes care provided in a detention facility for a child who is held there in lawful detention and care provided under independent living arrangements made for a child under the Minister's guardianship;

**authorised police officer** means a police officer who is of or above the rank of sergeant or who is in charge of a police station or any other police officer designated as an authorised police officer by the Commissioner of Police for the purposes of this Act;

**Care and Protection Co-ordinator** means a member of the staff of the State Courts Administration Council assigned to the position of Care and Protection Co-ordinator;

**Chief Executive** means the person for the time being holding, or acting in, the position of chief executive of the Department;

**child** means a person under 18 years of age;

**Court** means the Youth Court of South Australia;

**dentist** means a person who is registered as a dental practitioner under the law of this State;

**Department** means the administrative unit of the Public Service prescribed by regulation for the purposes of this definition;

**drug** includes alcohol;

**family**, in relation to a child, means the child's immediate family (including all guardians) and the child's extended family (that is to say, all other persons to whom the child is related by blood or marriage) and, in relation to an Aboriginal or Torres Strait Islander child, includes any person held to be related to the child according to Aboriginal kinship rules, or Torres Strait Islander kinship rules, as the case may require;

**family care meeting**—See Part 5 Division 1;

**government organisation** means a government department, agency or instrumentality;

**guardian**, of a child, means a parent of the child, a person (other than the Minister) who is the legal guardian of the child or has the legal custody of the child or any other person who stands *in loco parentis* to the child and has done so for a significant length of time;

**licensed children's residential facility** means a children's residential facility that is the subject of a licence under the *Family and Community Services Act 1972*;

**medical practitioner** means a person who is registered as a medical practitioner under the law of this State;

**non-government organisation** means—

- (a) a business; or
- (b) a service provider; or
- (c) a group organised for some purpose, work or undertaking (such as a society, club, institution or body),

whether incorporated or unincorporated, and includes a local government organisation; but does not include a government organisation;

**parent**, of a child, includes a stepmother or stepfather of the child;

**pharmacist** means a person who is registered as a pharmacist under the law of this State;

**psychologist** means a person who is registered as a psychologist under the law of this State;

**Torres Strait Islander child** means a child—

- (a) who is a descendant of the indigenous inhabitants of the Torres Strait Islands; and
- (b) who regards himself or herself as a Torres Strait Islander or, if he or she is a young child, is regarded as a Torres Strait Islander by at least one of his or her parents;

**working day** means any day other than a Saturday or a Sunday or other public holiday.

- (1a) For the purposes of this Act, an organisation may consist of a single person.
- (2) For the purposes of this Act, a child is at risk if—
  - (aa) there is a significant risk that the child will suffer serious harm to his or her physical, psychological or emotional wellbeing against which he or she should have, but does not have, proper protection; or
  - (a) the child has been, or is being, abused or neglected; or
  - (b) a person with whom the child resides (whether a guardian of the child or not)—
    - (i) has threatened to kill or injure the child and there is a reasonable likelihood of the threat being carried out; or

- (ii) has killed, abused or neglected some other child or children and there is a reasonable likelihood of the child in question being killed, abused or neglected by that person; or
  - (c) the guardians of the child—
    - (i) are unable to care for and protect the child, or are unable to exercise adequate supervision and control over the child; or
    - (ii) are unwilling to care for and protect the child, or are unwilling to exercise adequate supervision and control over the child; or
    - (iii) are dead, have abandoned the child, or cannot, after reasonable inquiry, be found; or
  - (d) the child is of compulsory school age but has been persistently absent from school without satisfactory explanation of the absence; or
  - (e) the child is under 15 years of age and is of no fixed address.
- (3) It is immaterial for the purposes of this Act that any conduct referred to in subsection (2) took place wholly or partly outside this State.
- (4) In assessing whether—
- (a) there is a significant risk that a child will suffer serious harm to his or her physical, psychological or emotional wellbeing; or
  - (b) a child has been, or is being, abused or neglected,
- for the purposes of this Act, regard must be had to not only the current circumstances of the child's care but also the history of the child's care and the likely cumulative effect on the child of that history.

## **Part 2—The Minister, the Chief Executive and child safe environments**

### **Division 3—Child safe environments**

#### **8B—Powers and obligations of responsible authority in respect of relevant history**

- (1) The responsible authority for an organisation to which this section applies must ensure that, before a person is appointed to, or engaged to act in, a prescribed position (whether as an employee, volunteer, agent, contractor or subcontractor) in the organisation, an assessment of the person's relevant history is undertaken in accordance with the regulations.
- Maximum penalty: \$10 000.
- (2) The responsible authority for an organisation to which this section applies may, at any time, as the authority thinks necessary or desirable for the purpose of establishing or maintaining child safe environments, cause an assessment of the person's relevant history to be undertaken in accordance with the regulations of any person who—
- (a) occupies or acts in a prescribed position (whether as an employee, volunteer, agent, contractor or subcontractor) in an organisation for which the authority is responsible; or

- (b) carries out, or is to carry out, as an indirect service provider, prescribed functions for an organisation for which the authority is responsible.
- (5) The Chief Executive may, at the request of the responsible authority for a non-government organisation to which this section applies, exercise powers of the responsible authority under this section if satisfied that—
- (a) the responsible authority has sought, but failed to obtain, the cooperation of a person in respect of whom the responsible authority is required or authorised to cause a relevant history assessment to be undertaken in accordance with the regulations; or
  - (b) there is some other good reason for doing so.
- (6) This section applies to—
- (a) government organisations; and
  - (b) non-government organisations that provide health, welfare, education, sporting or recreational, religious or spiritual, child care, cultural, entertainment or party or residential services wholly or partly for children; and
  - (c) non-government organisations of a class prescribed by regulation.
- (7) The regulations may (without limitation)—
- (a) make provision in relation to the manner in which an assessment of a person's relevant history may be undertaken; and
  - (b) provide for the authorisation of persons or bodies to undertake assessments of a person's relevant history for the purposes of this section or section 8BA, or any other purpose prescribed by regulation and relating to the care and protection of children; and
  - (ba) require a specified organisation, or an organisation of a specified class, to use a specified person or body to undertake relevant history assessments for the purposes of this section; and
  - (bb) make provision in relation to the issue of certificates relating to assessments of a person's relevant history; and
  - (c) make provision in relation to the release of information relating to a person's relevant history to another jurisdiction; and
  - (d) make provision in relation to the use of information relating to a person's relevant history received from another jurisdiction; and
  - (e) make provision in relation to confidentiality of information relating to, or obtained in the course of an assessment of, a person's relevant history; and
  - (g) prescribe fees and provide for their waiver or remission; and
  - (h) in the case of a regulation of a kind referred to in paragraph (b) or a regulation providing for the waiver or remission of a fee—confer discretionary powers on the Minister, the Chief Executive or another person or body; and
  - (i) prescribe penalties, not exceeding \$10 000, for offences against the regulations.

(8) In this section—

**indirect service provider**—a person carries out functions for an organisation as an indirect service provider if the person carries out the functions for some other body or person which, in turn, makes the person's services available to the organisation;

**managing authority** of a non-government organisation, means the board, committee or other body or person in which the management of the organisation is vested (and, in the case of a board, committee or body that is not incorporated, each member of the board, committee or body will be taken to be a managing authority of the organisation);

**organisation to which this section applies**—see subsection (6);

**prescribed functions** means—

- (a) regular contact with children or working in close proximity to children on a regular basis, unless the contact or work is directly supervised at all times; or
- (b) supervision or management of persons in positions requiring or involving regular contact with children or working in close proximity to children on a regular basis; or
- (c) access to records of a kind prescribed by regulation relating to children; or
- (d) functions of a type prescribed by regulation;

**prescribed position**, in an organisation, means—

- (a) a position that requires or involves the performance of 1 or more prescribed functions; or
- (b) a position, or a position of a class, in a government organisation designated (by notice in the Gazette) by the responsible authority for the government organisation as a prescribed position for the purposes of this section;

**relevant history**, of a person, means—

- (a) in the case of an assessment of a person's relevant history undertaken by a person or body authorised by the regulations to undertake relevant history assessments—information of the following kinds:
  - (i) findings of guilt for offences committed by the person in South Australia or elsewhere (whether those findings of guilt relate to offences committed before or after the commencement of this section);
  - (ii) offences alleged to have been committed (whether before or after the commencement of this section) by the person in South Australia or elsewhere and with which the person has been charged but which have not yet been finally determined;
  - (iii) information relating to findings of guilt and charges referred to in a preceding subparagraph;
  - (iv) information relating to charges for offences alleged to have been committed by the person in South Australia or elsewhere (whether those charges relate to offences alleged to have been committed before or after the commencement of this section and regardless of the outcome of those charges);

- (v) information lawfully obtained or held for any purpose by a person or body prescribed by regulation (being information that is relevant to whether a person is a suitable person to perform prescribed functions);
  - (vi) information provided by the person for the purposes of an assessment of his or her relevant history; or
- (b) in the case of an assessment of a person's relevant history undertaken by a person or body other than a person or body authorised by the regulations to undertake relevant history assessments—information of the following kinds:
- (i) findings of guilt for offences committed by the person in South Australia or elsewhere (whether those findings of guilt relate to offences committed before or after the commencement of this section);
  - (ii) offences alleged to have been committed (whether before or after the commencement of this section) by the person in South Australia or elsewhere and with which the person has been charged but which have not yet been finally determined;
  - (iii) information provided by the person for the purposes of an assessment of his or her relevant history,

but does not, in respect of a relevant history assessment of a kind specified in the regulations, include information, or information of a class, declared by the regulations to be excluded from the ambit of this definition;

**responsible authority** means—

- (a) for a government organisation that is a department—the chief executive of that department;
  - (b) for a government organisation that is an agency or instrumentality—the managing authority of that agency or instrumentality;
  - (c) for a non-government organisation—
    - (i) the managing authority of the organisation; or
    - (ii) if the managing authority has delegated its responsibilities under this section to a body approved by regulation for the purposes of this definition—that body.
- (9) Information of a kind referred to in paragraph (b) of the definition of **relevant history** may, despite any other Act or law, be disclosed to a person or body that is undertaking an assessment of a person's relevant history (whether under this section or otherwise).
- (10) Any information (whether of a kind referred to in the definition of **relevant history** or otherwise) may, despite any other Act or law, be disclosed to a person or body authorised by the regulations to undertake relevant history assessments.

## **8BA—Obligations of certain performers of prescribed functions in respect of relevant history**

- (1) This section applies to the following persons:
  - (a) a natural person who, in the course of carrying on a business as a sole trader or in partnership, performs 1 or more prescribed functions;
  - (b) a natural person who, as a volunteer, performs a prescribed function;
  - (c) a responsible authority for an organisation to which section 8B applies who is a natural person.
- (2) This section does not apply to the following persons:
  - (a) a person appointed to, or engaged to act in, a prescribed position (within the meaning of section 8B(1));
  - (b) a person, or person of a class, declared by the regulations to be a person or class of persons to whom this section does not apply.
- (3) A person to whom this section applies must not perform a prescribed function unless—
  - (a) an assessment of the person's relevant history has been undertaken in accordance with the regulations within the preceding 3 years; or
  - (b) the person has obtained a criminal history report prepared by South Australia Police or the ACC within the preceding 3 years.

Maximum penalty: \$10 000.

- (4) An assessment referred to in subsection (3)(a) must be undertaken by a person or body authorised by the regulations to undertake assessments of a person's relevant history for the purposes of this section or section 8B.
- (5) A person to whom this section applies must, on request made—
  - (a) by a person who is, or purports to be, a prescribed person; and
  - (b) while the person to whom this section applies is performing the prescribed function; and
  - (c) in accordance with the regulations,

produce for inspection evidence of a prescribed kind of his or her compliance with subsection (3).

Maximum penalty: \$10 000.

- (6) In this section—

*ACC* means the Australian Crime Commission established under the *Australian Crime Commission Act 2002* of the Commonwealth;

*prescribed function* has the same meaning as in section 8B;

*prescribed person* means a parent, guardian or carer of a child in respect of whom a prescribed function is, or may be, performed;

*responsible authority* has the same meaning as in section 8B.



### **8C—Obligations of certain organisations**

- (1) Subject to subsection (1a), an organisation to which this section applies must have in place appropriate policies and procedures for ensuring—
  - (a) that appropriate reports of abuse or neglect are made under Part 4; and
  - (b) that child safe environments are established and maintained within the organisation.

Maximum penalty: \$10 000.

- (1a) An organisation formed after the commencement of this subsection must have policies and procedures in place as required under subsection (1) as soon as practicable following the formation of the organisation.
- (2) Policies and procedures—
  - (a) may vary according to the size, nature and resources of the organisation; but
  - (b) must comply with any requirements prescribed in the regulations.
- (3) An organisation to which this section applies must—
  - (a) within 10 days after putting in place policies and procedures as required under subsection (1), lodge with the Chief Executive a statement setting out the policies and procedures; and
  - (b) respond, as soon as reasonably practicable (and in any case within 10 business days), to any written request by the Chief Executive for information relating to the organisation's compliance with the requirements of this section.

Maximum penalty: \$5 000.

- (4) This section applies to—
  - (a) government organisations; and
  - (b) non-government organisations that provide health, welfare, education, sporting or recreational, religious or spiritual, child care, cultural, entertainment or party or residential services wholly or partly for children; and
  - (c) non-government organisations of a class prescribed by regulation.

### **8D—Exemptions etc**

- (1) The regulations may exempt organisations, persons and positions, or particular classes of organisations, persons and positions, from the application of this Division or from specified provisions of this Division.
- (2) The regulations may, for transitional purposes—
  - (a) provide that this Division, or specified provisions of this Division, will not apply in relation to an organisation, person or position, or a class of organisation, person or position, until a specified day; or
  - (b) modify the application of this Division, or provisions of this Division, in relation to an organisation, person or position, or a class of organisation, person or position, until a specified day.

- (3) Subsection (2) is in addition to, and does not derogate from, subsection (1).

## **Division 4—Matters to be included in annual report of Department**

### **8E—Matters to be included in annual report of Department**

- (1) The annual report of the Department must include the following information in respect of the period covered by the annual report:
- (a) information setting out—
    - (i) the number of applications made under sections 20(1) and 22; and
    - (ii) the number and general nature of any orders made under the Act in relation to those applications;
  - (b) information setting out the number and general nature of any orders made under section 21(1)(ab);
  - (c) information setting out—
    - (i) the number of applications made under section 37(1) or (1a); and
    - (ii) the number and general nature of any orders made under the Act in relation to those applications.
- (2) This section is in addition to, and does not derogate from, any other requirement under this Act or the *Public Sector Act 2009*.

## **Part 9—Miscellaneous**

### **63—Regulations**

- (1) The Governor may make such regulations as are contemplated by this Act or as are necessary or expedient for the purposes of this Act.
- (2) A regulation may prescribe a penalty not exceeding \$1 250 for contravention of a regulation.
- (3) Regulations under this Act may—
- (a) be of general or limited application; and
  - (b) make different provision according to the matters or circumstances to which they are expressed to apply; and
  - (c) provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Chief Executive (or a delegate of the Chief Executive); and
  - (d) refer to or incorporate, wholly or partially and with or without modification, a code, standard or other document prepared or published by a prescribed person or body, either as in force at the time the regulations are made or as in force from time to time.

## Legislative history

### Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Repeal of Act

The *Children's Protection Act 1993* was repealed by Sch 1 cl 2A of the *Children and Young People (Safety) Act 2017* on 1.7.2019.

### Principal Act and amendments

Year	No	Title	Assent	Commencement
1993	93	<i>Children's Protection Act 1993</i>	4.11.1993	1.1.1994 ( <i>Gazette 4.11.1993 p2166</i> ) except ss 27—36, 49 & 59—5.1.1995 ( <i>Gazette 5.1.1995 p6</i> )
1995	24	<i>Statutes Amendment (Female Genital Mutilation and Child Protection) Act 1995</i>	27.4.1995	ss 6 & 7—1.5.1995 ( <i>Gazette 27.4.1995 p1563</i> ); s 5—27.4.1997 ( <i>s 7(5) Acts Interpretation Act 1915</i> )
1996	68	<i>Statutes Amendment (Sentencing of Young Offenders) Act 1996</i>	15.8.1996	8.10.1996 ( <i>Gazette 29.8.1996 p810</i> )
1999	42	<i>Statutes Amendment and Repeal (Justice Portfolio) Act 1999</i>	5.8.1999	Pt 4 (ss 11—24)—3.10.1999 ( <i>Gazette 23.9.1999 p1208</i> )
2000	16	<i>Children's Protection (Mandatory Reporting and Reciprocal Arrangements) Amendment Act 2000</i>	1.6.2000	1.7.2000 ( <i>Gazette 29.6.2000 p3413</i> )
2005	76	<i>Children's Protection (Miscellaneous) Amendment Act 2005</i>	8.12.2005	Pt 2 (ss 4, 5, 6(2)—(4), 8, 11, 17—19) & Sch 2—1.2.2006 ( <i>Gazette 19.1.2006 p237</i> ); ss 13—16—1.10.2006 ( <i>Gazette 21.9.2006 p3273</i> ); ss 6(1), 7, 9, 10 & 12—31.12.2006 ( <i>Gazette 14.12.2006 p4363</i> )
2006	17	<i>Statutes Amendment (New Rules of Civil Procedure) Act 2006</i>	6.7.2006	Pt 15 (s 53)—4.9.2006 ( <i>Gazette 17.8.2006 p2831</i> )
2008	3	<i>Health Care Act 2008</i>	13.3.2008	Sch 4 (cl 2)—1.7.2008 ( <i>Gazette 26.6.2008 p2563</i> )
2009	65	<i>Children's Protection (Implementation of Report Recommendations) Amendment Act 2009</i>	10.12.2009	Pt 2 (ss 5(3)—(5), 6, 10—19)—31.12.2009 ( <i>Gazette 17.12.2009 p6349</i> ) except ss 4, 5(1), (2), 7—9 & 20—1.1.2011 ( <i>Gazette 29.7.2010 p3921</i> )

## Children's Protection Act 1993—22.10.2018 to 30.6.2019—repealed

### Legislative history

2009	78	<i>Statutes Amendment (Children's Protection) Act 2009</i>	10.12.2009	Pt 2 (ss 4—6)—1.8.2010 ( <i>Gazette 17.6.2010 p3077</i> )
2009	84	<i>Statutes Amendment (Public Sector Consequential Amendments) Act 2009</i>	10.12.2009	Pt 26 (ss 50—52)—1.2.2010 ( <i>Gazette 28.1.2010 p320</i> )
2011	46	<i>Education and Early Childhood Services (Registration and Standards) Act 2011</i>	8.12.2011	Sch 3 (cl 3)—1.1.2012 ( <i>Gazette 15.12.2011 p4986</i> )
2013	72	<i>Children's Protection (Notification) Amendment Act 2013</i>	5.12.2013	28.4.2014 ( <i>Gazette 13.2.2014 p885</i> )
2013	87	<i>Statutes Amendment (Assessment of Relevant History) Act 2013</i>	5.12.2013	Pt 2 (ss 4, 5(1)—(3), (5)—(8), (10)—(16))—1.7.2014 ( <i>Gazette 13.2.2014 p887</i> ); ss 5(4), (9), 6 & 7—11.4.2015 ( <i>Gazette 11.12.2014 p6687</i> )
2016	6	<i>Youth Justice Administration Act 2016</i>	17.3.2016	Sch 1 (cl 2)—1.12.2016 ( <i>Gazette 8.9.2016 p3677</i> )
2016	15	<i>Children's Protection (Implementation of Coroner's Recommendations) Amendment Act 2016</i>	21.4.2016	28.4.2016 ( <i>Gazette 28.4.2016 p1284</i> )
2016	32	<i>Statutes Amendment (Youth Court) Act 2016</i>	30.6.2016	Pt 5 (ss 20—22)—1.1.2017 ( <i>Gazette 8.12.2016 p4903</i> )
2016	48	<i>Children and Young People (Oversight and Advocacy Bodies) Act 2016</i>	27.10.2016	Sch 1 (cll 2—4 & 12)—18.12.2017 ( <i>Gazette 5.12.2017 p4840</i> )
2017	35	<i>Statutes Amendment (National Policing Information Systems and Services) Act 2017</i>	22.8.2017	Pt 2 (s 3) & Sch 1 (cll 1 & 2)—22.8.2017
2017	25	<i>Children and Young People (Safety) Act 2017 as amended by Children's Protection Law Reform (Transitional Arrangements and Related Amendments) Act 2017</i>	18.7.2017	Sch 1 Pt 2 (cl 2(a))—26.2.2018; Sch 1 Pt 2 (cll 2(b) to (e) & 2A)—22.10.2018 ( <i>Gazette 19.12.2017 p5118</i> )
2019	19	<i>Education and Children's Services Act 2019</i>	8.8.2019	Sch 1 (cl 4)—uncommenced (Sch 1 cl 4 is of no effect because it purports to amend a repealed section (s 31))

## Provisions amended

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
s 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	1.2.2006
s 3 before deletion by 25/2017	<i>substituted by 76/2005 s 4</i>	1.2.2006
	<i>substituted by 15/2016 s 4</i>	28.4.2016
s 3	<i>deleted by 25/2017 Sch 1 cl 2</i>	26.2.2018

<i>s 4 before deletion by 15/2016</i>	<i>substituted by 76/2005 s 5</i>	1.2.2006
<i>s 4(5)</i>	<i>amended by 65/2009 s 4(1), (2)</i>	1.1.2011
<i>s 4</i>	<i>deleted by 15/2016 s 5</i>	28.4.2016
<i>s 5 before deletion by 25/2017</i>		
<i>s 5(a1)</i>	<i>inserted by 15/2016 s 6(1)</i>	28.4.2016
<i>s 5(2)</i>	<i>amended by 76/2005 Sch 2</i>	1.2.2006
	<i>amended by 15/2016 s 6(2)</i>	28.4.2016
<i>s 5</i>	<i>deleted by 25/2017 Sch 1 cl 2</i>	26.2.2018
<i>s 6</i>		
<i>s 6(1)</i>		
Aboriginal and Torres Strait Islander Child Placement Principle	inserted by 65/2009 s 5(1)	1.1.2011
<i>Aboriginal Child Placement Principle</i>	<i>inserted by 76/2005 s 6(1)</i>	31.12.2006
	<i>deleted by 65/2009 s 5(2)</i>	1.1.2011
alternative care	inserted by 76/2005 s 6(2)	1.2.2006
authorised police officer	amended by 76/2005 Sch 2	1.2.2006
Chief Executive	amended by 76/2005 Sch 2	1.2.2006
dentist	amended by 76/2005 Sch 2	1.2.2006
Department	amended by 76/2005 Sch 2	1.2.2006
drug	inserted by 15/2016 s 7(1)	28.4.2016
government organisation	inserted by 65/2009 s 5(3)	31.12.2009
licensed children's residential facility	inserted by 16/2000 s 3(a)	1.7.2000
medical practitioner	amended by 76/2005 Sch 2	1.2.2006
non-government organisation	inserted by 65/2009 s 5(4)	31.12.2009
pharmacist	inserted by 16/2000 s 3(b)	1.7.2000
	amended by 76/2005 Sch 2	1.2.2006
psychologist	amended by 76/2005 Sch 2	1.2.2006
<i>Senior Judge</i>	<i>inserted by 68/1996 s 4</i>	8.10.1996
	<i>deleted by 32/2016 s 20</i>	1.1.2017
<i>s 6(1a)</i>	<i>inserted by 65/2009 s 5(5)</i>	31.12.2009
<i>s 6(2)</i>	<i>amended by 76/2005 s 6(3), (4)</i>	1.2.2006
<i>s 6(3)</i>	<i>inserted by 16/2000 s 3(c)</i>	1.7.2000
<i>s 6(4)</i>	<i>inserted by 15/2016 s 7(2)</i>	28.4.2016
<i>s 7</i>	<i>deleted by 25/2017 Sch 1 cl 2</i>	26.2.2018

**Children's Protection Act 1993—22.10.2018 to 30.6.2019—repealed**  
Legislative history

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Pt 2		
heading	substituted by 76/2005 s 7	31.12.2006
<i>Pt 2 Div 1 before deletion by 25/2017</i>		
heading	<i>inserted by 76/2005 s 7</i>	31.12.2006
s 8		
s 8(1)	<i>s 8 amended and redesignated as s 8(1) by 76/2005 s 8(1)—(3)</i>	1.2.2006
s 8(2)	<i>inserted by 76/2005 s 8(3)</i>	1.2.2006
s 8(3) and (4)	<i>inserted by 65/2009 s 6</i>	31.12.2009
<i>Pt 2 Div 1</i>	<i>deleted by 25/2017 Sch 1 cl 2</i>	22.10.2018
<i>Pt 2 Div 2 before deletion by 25/2017</i>	<i>inserted by 76/2005 s 9</i>	31.12.2006
s 8A	<i>amended by 87/2013 s 4</i>	1.7.2014
<i>Pt 2 Div 2</i>	<i>deleted by 25/2017 Sch 1 cl 2</i>	22.10.2018
Pt 2 Div 3	inserted by 76/2005 s 9	31.12.2006
s 8B		
s 8B(1)	substituted by 65/2009 s 7(1)	1.1.2011
	amended by 87/2013 s 5(1)	1.7.2014
s 8B(2)	amended by 65/2009 s 7(2)	1.1.2011
	amended by 87/2013 s 5(2)	1.7.2014
s 8B(3) and (4)	<i>deleted by 65/2009 s 7(3)</i>	1.1.2011
s 8B(5)	amended by 65/2009 s 7(4)	1.1.2011
	amended by 87/2013 s 5(3)	1.7.2014
s 8B(6)	amended by 65/2009 s 7(5)	1.1.2011
	amended by 87/2013 s 5(5)	1.7.2014
	amended by 87/2013 s 5(4)	11.4.2015
s 8B(7)	substituted by 65/2009 s 7(6)	1.1.2011
	amended by 87/2013 s 5(6)—(8)	1.7.2014
	amended by 87/2013 s 5(10), (11)	1.7.2014
	(f) deleted by 87/2013 s 5(12)	1.7.2014
	amended by 87/2013 s 5(9)	11.4.2015
s 8B(8)		
<i>employment</i>	<i>amended by 65/2009 s 7(7)</i>	1.1.2011
	<i>deleted by 87/2013 s 5(13)</i>	1.7.2014
<i>government organisation</i>	<i>deleted by 65/2009 s 7(8)</i>	1.1.2011
managing authority	amended by 87/2013 s 5(14)	1.7.2014
<i>non-government organisation</i>	<i>deleted by 65/2009 s 7(9)</i>	1.1.2011
prescribed functions	amended by 65/2009 s 7(10), (11)	1.1.2011
prescribed position	substituted by 87/2013 s 5(15)	1.7.2014

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<i>relevant employment</i>	<i>deleted by 65/2009 s 7(12)</i>	<i>1.1.2011</i>
relevant history	inserted by 87/2013 s 5(15)	1.7.2014
responsible authority	amended by 65/2009 s 7(13)	1.1.2011
	substituted by 87/2013 s 5(15)	1.7.2014
s 8B(9) and (10)	inserted by 87/2013 s 5(16)	1.7.2014
s 8BA	inserted by 87/2013 s 6	11.4.2015
s 8BA(3)	amended by 35/2017 s 3(1)	22.8.2017
s 8BA(6)		
ACC	inserted by 35/2017 s 3(2)	22.8.2017
<i>CrimTrac</i>	<i>deleted by 35/2017 s 3(2)</i>	<i>22.8.2017</i>
s 8C		
s 8C(1)	amended by 65/2009 s 8(1)	1.1.2011
s 8C(1a)	inserted by 65/2009 s 8(2)	1.1.2011
s 8C(2)	amended by 65/2009 s 8(3)	1.1.2011
s 8C(3)	substituted by 65/2009 s 8(4)	1.1.2011
s 8C(4)	inserted by 65/2009 s 8(4)	1.1.2011
	substituted by 87/2013 s 7	11.4.2015
s 8D	inserted by 65/2009 s 9	1.1.2011
Pt 2 Div 4	inserted by 15/2016 s 8	28.4.2016
<i>Pt 3 before deletion by 25/2017</i>		
s 9		
s 9(2)	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
<i>Pt 3</i>	<i>deleted by 25/2017 Sch 1 cl 2</i>	<i>22.10.2018</i>
<i>Pt 4 before deletion by 25/2017</i>		
<i>Pt 4 Div 1</i>		
s 11		
s 11(1)	<i>amended by 42/1999 s 11(a)</i>	<i>3.10.1999</i>
	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
	<i>amended by 76/2005 s 10(1)</i>	<i>31.12.2006</i>
s 11(2)	<i>amended by 42/1999 s 11(b)</i>	<i>3.10.1999</i>
	<i>amended by 16/2000 s 4(a)</i>	<i>1.7.2000</i>
	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
	<i>amended by 76/2005 s 10(2)—(4)</i>	<i>31.12.2006</i>
	<i>amended by 65/2009 s 10(1)</i>	<i>31.12.2009</i>
s 11(2a) and (2b)	inserted by 72/2013 s 4	28.4.2014
s 11(3)	amended by 76/2005 Sch 2	1.2.2006
s 11(4)	deleted by 16/2000 s 4(b)	1.7.2000
	inserted by 76/2005 s 10(5)	31.12.2006
s 11(5)	inserted by 76/2005 s 10(5)	31.12.2006
s 11(6)	inserted by 65/2009 s 10(2)	31.12.2009

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<i>s 13</i>		
<i>s 13(2)</i>	<i>amended by 42/1999 s 12</i>	<i>3.10.1999</i>
<i>s 13(3)</i>	<i>amended by 17/2006 s 53(1), (2)</i>	<i>4.9.2006</i>
<i>s 13(4)</i>	<i>amended by 17/2006 s 53(3)</i>	<i>4.9.2006</i>
<i>s 13(5)</i>	<i>amended by 17/2006 s 53(4)</i>	<i>4.9.2006</i>
<i>s 14</i>	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
<i>Pt 4 Div 2</i>		
<i>s 15</i>	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
<i>s 16 before substitution by 76/2005</i>		
<i>s 16(2)</i>	<i>amended by 42/1999 s 13</i>	<i>3.10.1999</i>
<i>s 16</i>	<i>substituted by 76/2005 s 11</i>	<i>1.2.2006</i>
<i>s 16(1a)</i>	<i>inserted by 78/2009 s 4</i>	<i>1.8.2010</i>
<i>s 16(6)</i>	<i>inserted by 65/2009 s 11</i>	<i>31.12.2009</i>
<i>ss 17 and 18</i>	<i>deleted by 76/2005 s 11</i>	<i>1.2.2006</i>
<i>Pt 4 Div 3</i>		
<i>s 19</i>		
<i>s 19(1)</i>	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
	<i>substituted by 76/2005 s 12</i>	<i>31.12.2006</i>
<i>s 19(1a)</i>	<i>inserted by 15/2016 s 9</i>	<i>28.4.2016</i>
<i>s 19(2), (4) and (5)</i>	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
<i>s 19(6)</i>	<i>amended by 42/1999 s 14</i>	<i>3.10.1999</i>
<i>Pt 4 Div 4</i>		
<i>s 20</i>		
<i>s 20(1)</i>	<i>s 20 amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
	<i>s 20 redesignated as s 20(1) by 76/2005 s 13</i>	<i>1.10.2006</i>
<i>s 20(1a)</i>	<i>inserted by 15/2016 s 10(1)</i>	<i>28.4.2016</i>
<i>s 20(2)</i>	<i>inserted by 76/2005 s 13</i>	<i>1.10.2006</i>
	<i>substituted by 15/2016 s 10(2)</i>	<i>28.4.2016</i>
<i>s 20(3)</i>	<i>inserted by 15/2016 s 10(2)</i>	<i>28.4.2016</i>
<i>s 21</i>		
<i>s 21(1)</i>	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
	<i>amended by 76/2005 s 14(1)</i>	<i>1.10.2006</i>
<i>s 21(2)</i>	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
	<i>amended by 76/2005 s 14(2)</i>	<i>1.10.2006</i>
<i>s 21(3)</i>	<i>amended by 32/2016 s 21</i>	<i>1.1.2017</i>
<i>s 21(4)</i>	<i>amended by 42/1999 s 15</i>	<i>3.10.1999</i>
<i>s 22</i>		
<i>s 22(1)</i>	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
<i>s 23</i>		
<i>s 23(3)</i>	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
<i>s 23(5)</i>	<i>amended by 42/1999 s 16</i>	<i>3.10.1999</i>



<i>s 24</i>		
<i>s 24(1)</i>	<i>amended by 42/1999 s 17</i>	3.10.1999
<i>Pt 4 Div 5</i>		
<i>s 26</i>		
<i>s 26(1)</i>	<i>amended by 76/2005 Sch 2</i>	1.2.2006
	<i>amended by 15/2016 s 11</i>	28.4.2016
<i>s 26(3) and (4)</i>	<i>amended by 76/2005 Sch 2</i>	1.2.2006
<i>Pt 4 Div 6</i>	<i>inserted by 24/1995 s 5</i>	27.4.1997
<i>s 26B</i>		
<i>s 26B(2)</i>	<i>amended by 76/2005 Sch 2</i>	1.2.2006
<i>Pt 4</i>	<i>deleted by 25/2017 Sch 1 cl 2</i>	22.10.2018
<i>Pt 5 before deletion by 25/2017</i>		
<i>Pt 5 Div 1</i>		
<i>s 27</i>	<i>substituted by 24/1995 s 6</i>	1.5.1995
<i>s 27(2a)</i>	<i>inserted by 15/2016 s 12</i>	28.4.2016
<i>s 29</i>		
<i>s 29(1)</i>	<i>amended by 32/2016 s 22</i>	1.1.2017
<i>s 31</i>	<i>amended by 76/2005 Sch 2</i>	1.2.2006
	<i>amended by 46/2011 Sch 3 cl 3</i>	1.1.2012
	<i>The amendment to s 31 purportedly made by Sch 1 cl 4 of 19/2019 is of no effect because of its deletion by 25/2017</i>	
<i>s 33</i>		
<i>s 33(2)</i>	<i>amended by 76/2005 Sch 2</i>	1.2.2006
<i>Pt 5 Div 2</i>		
<i>s 37</i>		
<i>s 37(1a)</i>	<i>inserted by 76/2005 s 15</i>	1.10.2006
<i>s 37(3)</i>	<i>inserted by 15/2016 s 13</i>	28.4.2016
<i>s 38</i>		
<i>s 38(a1)</i>	<i>inserted by 15/2016 s 14(1)</i>	28.4.2016
<i>s 38(1)</i>	<i>amended by 16/2000 s 5</i>	1.7.2000
	<i>amended by 76/2005 Sch 2</i>	1.2.2006
	<i>amended by 76/2005 s 16(1)—(3)</i>	1.10.2006
	<i>amended by 15/2016 s 14(2), (3)</i>	28.4.2016
<i>s 38(2)</i>	<i>substituted by 76/2005 s 16(4)</i>	1.10.2006
<i>s 38(2a)</i>	<i>inserted by 76/2005 s 16(4)</i>	1.10.2006
<i>s 38(4)</i>	<i>amended by 76/2005 Sch 2</i>	1.2.2006
<i>s 39</i>		
<i>s 39(1)</i>	<i>inserted by 15/2016 s 15</i>	28.4.2016
<i>s 39(2)</i>	<i>s 39 redesignated as s 39(2) by 15/2016 s 15</i>	28.4.2016
<i>s 41</i>	<i>deleted by 16/2000 s 6</i>	1.7.2000
<i>s 44</i>	<i>amended by 42/1999 s 18</i>	3.10.1999
<i>Pt 5 Div 3</i>	<i>inserted by 15/2016 s 16</i>	28.4.2016

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<i>Pt 5</i>	<i>deleted by 25/2017 Sch 1 cl 2</i>	<i>22.10.2018</i>
<i>Pt 6 before deletion by 25/2017</i>		
<i>s 45</i>		
<i>s 45(1)</i>	<i>substituted by 16/2000 s 7</i>	<i>1.7.2000</i>
<i>s 46</i>		
<i>s 46(1)</i>	<i>amended by 16/2000 s 8(a)</i>	<i>1.7.2000</i>
	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
<i>s 46(2)</i>	<i>amended by 16/2000 s 8(b)</i>	<i>1.7.2000</i>
	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
<i>s 47</i>	<i>amended by 16/2000 s 9</i>	<i>1.7.2000</i>
	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
<i>s 47A</i>	<i>inserted by 16/2000 s 10</i>	<i>1.7.2000</i>
<i>s 48</i>		
<i>s 48(1)</i>	<i>amended by 76/2005 s 17(1)</i>	<i>1.2.2006</i>
<i>s 48(3)</i>	<i>inserted by 76/2005 s 17(2)</i>	<i>1.2.2006</i>
<i>s 50</i>	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
<i>Pt 6</i>	<i>deleted by 25/2017 Sch 1 cl 2</i>	<i>22.10.2018</i>
<i>Pt 7 before deletion by 25/2017</i>		
<i>Pt 7 Div 1</i>		
<i>heading</i>	<i>inserted by 78/2009 s 5</i>	<i>1.8.2010</i>
<i>s 51</i>		
<i>s 51(2)</i>	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
<i>s 52</i>		
<i>s 52(1)</i>	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
<i>Pt 7 Div 2</i>	<i>inserted by 78/2009 s 6</i>	<i>1.8.2010</i>
<i>Pt 7</i>	<i>deleted by 25/2017 Sch 1 cl 2</i>	<i>22.10.2018</i>
<i>Pt 7A before deletion by 48/2016</i>	<i>inserted by 76/2005 s 18</i>	<i>1.2.2006</i>
<i>heading</i>	<i>substituted by 65/2009 s 12</i>	<i>31.12.2009</i>
<i>Pt 7A Div 1</i>		
<i>heading</i>	<i>inserted by 65/2009 s 12</i>	<i>31.12.2009</i>
<i>s 52A</i>		
<i>s 52A(4)</i>	<i>amended by 65/2009 s 13(1)</i>	<i>31.12.2009</i>
<i>s 52A(5)—(7)</i>	<i>substituted by 65/2009 s 13(2)</i>	<i>31.12.2009</i>
<i>s 52A(8)</i>	<i>deleted by 65/2009 s 13(2)</i>	<i>31.12.2009</i>
<i>s 52AB</i>	<i>inserted by 65/2009 s 14</i>	<i>31.12.2009</i>
<i>s 52C</i>		
<i>s 52C(1)</i>	<i>amended by 65/2009 s 15(1)</i>	<i>31.12.2009</i>
	<i>amended by 6/2016 Sch 1 cl 2</i>	<i>1.12.2016</i>
<i>s 52C(4)</i>	<i>deleted by 65/2009 s 15(2)</i>	<i>31.12.2009</i>
<i>s 52CA</i>	<i>inserted by 65/2009 s 16</i>	<i>31.12.2009</i>
<i>s 52DA</i>	<i>inserted by 65/2009 s 17</i>	<i>31.12.2009</i>

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<i>Pt 7A Divs 2—4</i>	<i>inserted by 65/2009 s 18</i>	<i>31.12.2009</i>
<i>Pt 7A</i>	<i>deleted by 48/2016 Sch 1 cl 2</i>	<i>18.12.2017</i>
<i>Pt 7B before deletion by 48/2016</i>	<i>inserted by 76/2005 s 18</i>	<i>1.2.2006</i>
<i>s 52M</i>	<i>deleted by 84/2009 s 50</i>	<i>1.2.2010</i>
<i>s 52R</i>	<i>deleted by 84/2009 s 51</i>	<i>1.2.2010</i>
<i>Pt 7B</i>	<i>deleted by 48/2016 Sch 1 cl 3</i>	<i>18.12.2017</i>
<i>Pt 7C before deletion by 48/2016</i>	<i>inserted by 76/2005 s 18</i>	<i>1.2.2006</i>
<i>s 52V</i>		
<i>s 52V(3)</i>	<i>amended by 3/2008 Sch 4 cl 2</i>	<i>1.7.2008</i>
<i>Pt 7C</i>	<i>deleted by 48/2016 Sch 1 cl 4</i>	<i>18.12.2017</i>
<i>Pt 8 before deletion by 25/2017</i>	<i>substituted by 16/2000 s 11</i>	<i>1.7.2000</i>
<i>s 54</i>		
<i>s 54(1)</i>		
<i>child protection order</i>	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
<i>s 54A</i>		
<i>s 54A(1)—(4)</i>	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
<i>s 54B</i>		
<i>s 54B(1)</i>	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
<i>s 54C</i>	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
<i>s 54D</i>		
<i>s 54D(1)</i>	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
<i>s 54E</i>		
<i>s 54E(1), (2) and (7)</i>	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
<i>s 54F</i>	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
<i>ss 54H and 54I</i>	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
<i>s 54J</i>		
<i>s 54J(1)</i>	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
<i>s 54K</i>		
<i>s 54K(1) and (2)</i>	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
<i>s 54M</i>		
<i>s 54M(1)—(3)</i>	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
<i>s 54P</i>		
<i>s 54P(1)</i>	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
<i>s 54U</i>	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
<i>s 54V</i>		
<i>s 54V(1) and (2)</i>	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
<i>Pt 8</i>	<i>deleted by 25/2017 Sch 1 cl 2</i>	<i>22.10.2018</i>
<i>Pt 9</i>		

<i>s 55 before deletion by 76/2005</i>		
<i>s 55(2)</i>	<i>amended by 24/1995 s 7(a)</i>	<i>1.5.1995</i>
<i>s 55(4)</i>	<i>amended by 24/1995 s 7(b)</i>	<i>1.5.1995</i>
<i>s 55</i>	<i>deleted by 76/2005 s 19</i>	<i>1.2.2006</i>
<i>s 56</i>	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
	<i>deleted by 25/2017 Sch 1 cl 2</i>	<i>22.10.2018</i>
<i>s 57 before deletion by 25/2017</i>		
<i>s 57(1)</i>	<i>amended by 16/2000 s 12</i>	<i>1.7.2000</i>
	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
<i>s 57</i>	<i>deleted by 25/2017 Sch 1 cl 2</i>	<i>22.10.2018</i>
<i>s 58 before deletion by 25/2017</i>		
<i>s 58(1)</i>	<i>amended by 42/1999 s 19</i>	<i>3.10.1999</i>
<i>s 58(2)</i>	<i>amended by 42/1999 s 19</i>	<i>3.10.1999</i>
	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
<i>s 58</i>	<i>deleted by 25/2017 Sch 1 cl 2</i>	<i>22.10.2018</i>
<i>s 59</i>	<i>amended by 42/1999 s 20</i>	<i>3.10.1999</i>
	<i>deleted by 25/2017 Sch 1 cl 2</i>	<i>22.10.2018</i>
<i>s 59A</i>	<i>inserted by 42/1999 s 21</i>	<i>3.10.1999</i>
	<i>deleted by 25/2017 Sch 1 cl 2</i>	<i>22.10.2018</i>
<i>s 60</i>	<i>amended by 42/1999 s 22</i>	<i>3.10.1999</i>
	<i>deleted by 25/2017 Sch 1 cl 2</i>	<i>22.10.2018</i>
<i>s 61</i>	<i>amended by 42/1999 s 23</i>	<i>3.10.1999</i>
	<i>amended by 76/2005 Sch 2</i>	<i>1.2.2006</i>
	<i>deleted by 25/2017 Sch 1 cl 2</i>	<i>22.10.2018</i>
<i>s 62</i>	<i>deleted by 84/2009 s 52</i>	<i>1.2.2010</i>
<i>s 63</i>		
<i>s 63(2)</i>	<i>amended by 42/1999 s 24</i>	<i>3.10.1999</i>
<i>s 63(3)</i>	<i>inserted by 65/2009 s 19</i>	<i>31.12.2009</i>
<i>Sch 1</i>	<i>inserted by 65/2009 s 20</i>	<i>1.1.2011</i>
	<i>deleted by 25/2017 Sch 1 cl 2</i>	<i>22.10.2018</i>

## Transitional etc provisions associated with Act or amendments

### *Statutes Repeal and Amendment (Children's Protection and Young Offenders) Act 1993*

#### 3—Interpretation

In this Act—

*commencement day* means the day on which this Act comes into operation;

*new legislation* means—

- (a) the *Young Offenders Act 1993*; and

(b) the *Youth Court Act 1993*;

*former legislation* means the *Children's Protection and Young Offenders Act 1979*.

## 20—Transitional provisions—in need of care proceedings

- (1) Where a conference was held in respect of a child under section 12(1a) of the former legislation but no application had been made under that section in respect of the child before the commencement day, the Minister is not required to (but may if he or she thinks fit) hold a family care meeting in relation to the child before any proceedings are commenced under the *Children's Protection Act 1993* in respect of the child, provided that those proceedings are commenced within one month of the commencement day.
- (2) Where the Children's Court is continuing to hear and determine proceedings under Part 3 of the former legislation, the orders that the Court is empowered to make in relation to the child the subject of the proceedings are those that the Youth Court is empowered to make in similar proceedings under the *Children's Protection Act 1993*.
- (3) An order in force under Part 3 of the former legislation immediately before the commencement day—
  - (a) remains in force, according to its terms; and
  - (b) will be taken to have been made by the Youth Court; and
  - (c) in the case of an order placing a child under the control of the Director-General empowering the Director-General to make decisions as to where the child will reside, will be taken to be an order granting custody of the child to the Minister.
- (4) A child who was, immediately before the commencement day, being held in the custody of the Director-General under section 19 of the former legislation, may continue to be so held in accordance with that section, as if it were still in force.

## *Statutes Amendment (National Policing Information Systems and Services) Act 2017, Sch 1—Transitional provisions*

### 1—Preliminary

In this Schedule—

**ACC** means the Australian Crime Commission established under the *Australian Crime Commission Act 2002* of the Commonwealth;

**CrimTrac** means the CrimTrac Agency established under the *Public Service Act 1999* of the Commonwealth.

### 2—Transitional provision

A criminal history report prepared by CrimTrac or a CrimTrac accredited agency or broker will, for the purposes of section 8BA of the *Children's Protection Act 1993* as in force after the commencement of Part 2 of this Act, be taken to be a criminal history report prepared by the ACC.

***Children and Young People (Oversight and Advocacy Bodies) Act 2016,  
Sch 1—Transitional provisions***

**12—Guardian for Children and Young People**

- (1) The person who, immediately before the commencement of clause 2 of this Schedule, was the Guardian for Children and Young Persons under the *Children's Protection Act 1993* will continue as the Guardian for Children and Young People as if he or she were appointed under Part 3 of this Act.
- (2) The appointment will be taken to be subject to any terms, conditions or limitations applicable to the Guardian for Children and Young Persons immediately before the commencement of clause 2 of this Schedule.

**Historical versions**

Reprint No 1—1.5.1995

Reprint No 2—8.10.1996

Reprint No 3—27.4.1997

Reprint No 4—3.10.1999

Reprint No 5—1.7.2000

1.2.2006

4.9.2006

1.10.2006

31.12.2006

1.7.2008

31.12.2009

1.2.2010

1.8.2010

1.1.2011

1.1.2012

28.4.2014

1.7.2014

11.4.2015

28.4.2016

1.12.2016

1.1.2017

22.8.2017

18.12.2017

26.2.2018