



New South Wales

Children and Young Persons (Care and Protection) Amendment (Children's Employment) Bill 2009

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Children and Young Persons (Care and Protection) Act 1998*:

- (a) to extend the existing safeguards relating to the employment of children aged under 15 years to children aged 15 years and over (but under 16 years) who are employed as models, and
- (b) to increase the maximum penalty for certain offences in relation to the employment of children from 10 penalty units to 100 penalty units (currently \$11,000).

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

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

Chapter 13 of the *Children and Young Persons (Care and Protection) Act 1998 (the principal Act)* requires a person who employs a child under the age of 15 years to hold an employer's authority issued by the Minister for Community Services in certain circumstances. **Schedule 1 [1]** amends the definition of *child* in that Chapter so that this requirement, and the other requirements of the Chapter, extend to all children under the age of 16 years when employed as models.

Section 223 of the principal Act provides for various offences relating to children's employment, including employing a child in contravention of a condition of an employer's authority. **Schedule 1 [2]** increases the maximum penalty for these offences from 10 penalty units to 100 penalty units (currently \$11,000).

Schedule 1 [3] provides for the making of savings and transitional regulations consequent on the enactment of the proposed Act.

Schedule 1 [4] inserts a transitional provision consequent on the enactment of the proposed Act.

Schedule 2 Amendment of Children and Young Persons (Care and Protection—Child Employment) Regulation 2005

The *Children and Young Persons (Care and Protection—Child Employment) Regulation 2005* contains a Code of Practice that an employer is required to comply with as a condition of an employer's authority. **Schedule 2** makes a consequential amendment to the Code of Practice to extend the restrictions on the times of work for children aged between 8 and 15 years of age to children over 15 years of age (but under 16 years of age) employed as models.