



CHILDREN'S GUARDIAN AMENDMENT BILL 2025

STATEMENT OF PUBLIC INTEREST

Need: Why is the policy needed based on factual evidence and stakeholder input?

This Bill gives effect to the recommendations of the report of the statutory review of the *Children's Guardian Act 2019* (**Act**) which was tabled in Parliament on 19 December 2024 (**statutory review**).

In conducting the statutory review, the Department of Communities and Justice considered submissions received from individuals, peak organisations, religious bodies, out-of-home care and adoption service providers and government agencies including the Office of the Children's Guardian.

Overall, the statutory review concluded that the policy objectives of the Act remain valid and the terms of the Act remain generally appropriate for achieving the Act's objectives. The statutory review identified some areas where improvements can be made to secure the objectives of the Act more effectively.

The Bill also implements the Government's response to the report of the Committee on Children and Young People 2024 *review of the annual reports and other matters of the Office of the Advocate for Children and Young People and the Office of the Children's Guardian* (**Children and Young People Committee Report**).

Objectives: What is the policy's objective couched in terms of the public interest?

The Children's Guardian's functions are a vital component of the wider regulatory system operating in New South Wales to ensure the safety and protection of children and young people.

The Bill implements the statutory review's recommendations to:

- improve the Act's operation and regulatory processes
- support organisations, agencies, official community visitors and employers to safeguard the safety and wellbeing of children they work or interact with, and
- facilitate the exercise of the functions of the office of the Children's Guardian.

The Bill also implements the supported recommendations of the Children and Young People Committee Report to:

- extend the Committee's oversight over all the functions of the Children's Guardian and consolidate its oversight jurisdiction in the Act, and
- provide that all members of the Youth Advisory Council established by the *Advocate for Children and Young People Act 2014* are to be under the age of 25 years at the time of their appointment.

Options: What alternative policies and mechanisms were considered in advance of the Bill?

The recommendations of the statutory review recommending changes to the Act can only be achieved through legislative amendment. Similarly, the recommendations of the Committee on Children and Young People Report can only be achieved through legislative amendment.

Analysis: What were the pros/cons and benefits/costs of each option considered?

A detailed analysis of all the relevant policy issues is set out in the statutory review report and the Committee on Children and Young People Report.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

If the Bill passes through Parliament, most of the provisions of the Bill will commence on assent, other than those for which some time is necessary to allow for implementation. Provisions relating to accreditation criteria for out-of-home care and adoption service providers will commence on 1 October 2025 to align with the introduction of the Code of Practice for these providers which has already been legislated in the supporting regulations. A number of other provisions will also commence on 1 October 2025 to enable the legislative changes to be communicated to stakeholders and relevant policies and operational guides to be updated to reflect the changes. Two provisions that will bring private health entities into the reportable conduct scheme and will impact certain other providers will commence on 1 October 2026 unless proclaimed earlier to allow for implementation activities to occur with the sectors affected.

The Minister for Families and Communities has portfolio responsibility for the *Children's Guardian Act 2019*. The office of the Children's Guardian is responsible for the administration of the functions under the Act and will lead implementation.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

The statutory review of the Children's Guardian Act involved wide public consultation. A discussion paper was published in 2022 seeking submissions from the community. Roundtables were also held with key stakeholders. The Department of Communities and Justice considered submissions received from individuals, peak organisations, out-of-home care and adoption service providers, representative groups, and religious bodies, government agencies including the office of the Children's Guardian.