

# Children (Care and Protection) Act 1987, New South Wales

1987 – 2010

URL: <https://www.legislation.nsw.gov.au/view/pdf/asmade/act-1987-54>

## Details

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The Children (Care and Protection) Act 1987 (58/1987) was introduced to cover children in need of care and protection, including children in institutions, foster care and state wards. It was introduced alongside the Community Welfare Act 1987 and the Children's Court Act 1987. This Act was amended many times. In 1995 the Children (Care and Protection) Amendment Act created the Child Deaths Review Team, which examined child death and the deaths of children in 'care' or detention. The Act was to be repealed by the Children and Young Persons Legislation (Repeal and Amendment) Act 1998 but was repealed by the Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009 in 2010.

According to 'To Remove and Protect', this Act defined a child in need of care as: being in a situation where provision is not being made for the child's care; the child is being or is likely to be abused; or there has been an irretrievable breakdown in the relationship between the child and parents. The concept of 'neglect' was replaced by 'behaviour that harms the child'.

The Aboriginal Child Placement Principle was introduced and outlined a preference to place Aboriginal children with Aboriginal people when they are placed outside their families.

The *Children (Care and Protection) (Personal and Family Violence) Amendment Act 1987*, dealt with interviewing children subjected to child abuse, neglect and serious assaults. The *Children (Care and Protection) (Disability Services and Guardianship) Amendment Act 1987* had to do with medical and dental procedures on children who did not have parents or guardians who could give consent. The *Children (Care and Protection) (Prostitution) Amendment Act 1988* amended the *Crimes Act* to include offences relating to child prostitution and child pornography.

## More info

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### Chronology

- Infant Convicts Act 1849, New South Wales (1849 - 1901)
  - Infant Convicts Adoption Act 1901, New South Wales (1901 - 1939)
    - Child Welfare Act 1939, New South Wales (1939 - 1987)
- **Children (Care and Protection) Act 1987, New South Wales (1987 – 2010)**
  - Children and Young Persons (Care and Protection) Act 1998, New South Wales (1998 - current)

# Related Entries

## Related Glossary Terms

- [Aboriginal Child Placement Principle \(1983 - current\)](#)

## Is amended by

- [Children Legislation Amendment \(Wood Inquiry Recommendations\) Act 2009, New South Wales \(2009 - current\)](#)  
The Children (Care and Protection) Act was not repealed until the *Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009* in 2010.
- [Children and Young Persons Legislation \(Repeal and Amendment\) Act 1998, New South Wales \(1998 - current\)](#)
- [Children \(Community Service Orders\) Amendment Act 1988, New South Wales \(1988 - 2010\)](#)
- [Children \(Community Service Orders\) Further Amendment Act 1988, New South Wales \(1988 - 2010\)](#)
- [Children \(Detention Centres\) Act 1987, New South Wales \(1987 - current\)](#)

## Related Legislation

- [Community Welfare Act 1987, New South Wales \(1987 - current\)](#)
- [Children's Court Act 1987, New South Wales \(1987 - current\)](#)
- [Children \(Criminal Proceedings\) Act 1987, New South Wales \(1987 - current\)](#)

## Related Organisations

- [Department of Youth and Community Services, State Government of New South Wales \(1976 - 1988\)](#)
- [Department of Health and Community Services, State Government of New South Wales \(1991 - 1992\)](#)
- [Department of Community Services, State Government of New South Wales \(1992 - 2009\)](#)
- [Department of Human Services, State Government of New South Wales \(2009 - 2011\)](#)
- [Bidura \(1920 - 1977\)](#)
- [Department of Family and Community Services, State Government of New South Wales \(1988 - 1991\)](#)

# Resources

- Parliamentary Counsel's Office, [NSW legislation](#), No date

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