

LEGISLATIVE COUNCIL

Children and Young Persons (Care and Protection) Amendment (Permanency Planning) Bill (No. 2)

Schedule of the amendments agreed to in Committee of the Whole
on Wednesday 28 November 2001.

- AD** No. 1 Page 5, Schedule 1 [7], lines 16B20. Omit all words on those lines. Insert instead:
- arrangements.
- Govt** No. 2 Pages 5 and 6, Schedule 1 [7], line 23 on page 5 to line 20 on page 6. Omit all words on those lines. Insert instead:
- (3) A permanency plan for an Aboriginal or Torres Strait Islander child or young person must address how the plan has complied with the Aboriginal and Torres Strait Islander Child and Young Person Placement Principles in section 13.
 - (4) If a permanency plan indicates an intention to provide permanent placement through an order for sole parental responsibility or adoption of an Aboriginal or Torres Strait Islander child or young person with a non-Aboriginal or non-Torres Strait Islander person or persons, such an order should be made only:
 - (a) if no suitable permanent placement can be found with an Aboriginal or Torres Strait Islander person or persons in accordance with the Aboriginal and Torres Strait Islander Child and Young Person Placement Principles in section 13, and
 - (b) in consultation with the child or young person, where appropriate, and
 - (c) in consultation with a local, community-based and relevant Aboriginal or Torres Strait Islander organisation and the local Aboriginal or Torres Strait Islander community, and
 - (d) if the child or young person is able to be placed with a culturally appropriate family, and
 - (e) with the approval of the Minister for Community Services and the Minister for Aboriginal Affairs.
- Grns** No. 3 Page 8, Schedule 1 [10], lines 1B3. Omit all words on those lines. Insert instead:

- (b) that prior to approving a permanency plan involving restoration there is a realistic possibility of restoration having regard to:

AD

No. 4 Pages 9 and 10, Schedule 1 [13], line 30 on page 9 to line 3 on page 10. Omit all words on those lines. Insert instead:

- (2A) Before granting leave to vary or rescind the care order, the Children’s Court must take the following matters into consideration:
 - (a) the nature of the application, and
 - (b) the age of the child or young person, and
 - (c) the length of time for which the child or young person has been in the care of the present carer, and
 - (d) the plans for the child, and
 - (e) whether the applicant has an arguable case.

Grns

No. 5 Page 10, Schedule 1 [14], lines 6B20. Omit all words on those lines. Insert instead:

- (3A) If:
 - (a) an application is made to the Children’s Court by a person or persons (other than the Director-General) for the rescission or variation of a care order (other than a contact order) in relation to a child or young person, and
 - (b) the application seeks to change the parental responsibility for the child or young person, or those aspects of parental responsibility involved in having care responsibility for the child or young person, and
 - (c) the Director-General is not a party to the proceedings, the applicant must notify the Director-General and the Children’s Guardian of the application, and the Director-General and the Children’s Guardian are entitled to be parties to the application.

Oppn

No. 6 Page 10, Schedule 1. Insert after line 31:

[17] Section 135 What is “out-of-home care”?

Omit section 135 (1) (b). Insert instead:

- (b) by a person, other than a parent of the child or young person, and

[18] Section 135 (2)

Insert after section 135 (2) (a):

- (a1) any care provided by a relative of a child or young person unless:
- (i) the Minister has parental responsibility for the child or young person by virtue of an order of the Children’s Court, or
 - (ii) the child or young person is in the care of the Director-General, or

AD

No. 7 Page 11, Schedule 1 [17], lines 4B16. Omit all words on those lines.
Insert instead:

- (1) An authorised carer who, for a continuous period of not less than 2 years, has had the care of a child or young person, for whom the Minister (either alone or with another person or persons) has parental responsibility, may apply to the Children’s Court for an order awarding sole parental responsibility for the child or young person to the authorised carer, subject to this section.

Govt

No. 8 Page 11, Schedule 1 [17], line 26. Insert “The Children’s Court must be satisfied that the consent has been properly given on an informed basis.” after “Minister.”

Oppn

No. 9 Page 12, Schedule 1. Insert after line 34:

[18] Section 150 Review of placements effected by order of Children’s Court

Omit “A review” from section 150 (2).

Insert instead “Except as provided by subsection (3A), a review”.

[19] Section 150 (3A)

Insert after section 150 (3):

- (3A) In the case of a child or young person who has been placed in the care of a relative, reviews are to be conducted at intervals prescribed by or in accordance with the regulations.

Grns

No. 10 Page 13, Schedule 1 [20], lines 8B30. Omit all words on those lines.
Insert instead:

[20] Section 265 Review of Act

Omit section 265 (2). Insert instead:

- (2) The review is to be undertaken as soon as possible after the period of 4 years from the date of assent to the Children and Young Persons (Care and Protection) Amendment (Permanency Planning) Act 2001.
- (2A) The review is to consider, in particular, the effects of the provisions in this Act for permanency planning on Aboriginal and Torres Strait Islander children and young persons.