
Children Legislation Amendment (Wood Inquiry Recommendations) Bill 2009

Amendments proposed by Legislative Council on 3 April 2009 am.

No. 1 Page 10, Schedule 1.2. Insert after line 36:

[13] Section 65A

Insert after section 65:

65A Referral of matters before the Court to ADR

- (1) The Children's Court may make an order that the parties to a care application attend an alternative dispute resolution service in relation to the proceedings before the Court or any aspect of those proceedings.
- (2) The Children's Court may make an order under this section:
 - (a) on its own initiative, or
 - (b) on the application of a party to the proceedings.

No. 2 Page 11, Schedule 1.2. Insert after line 3:

[14] Section 71 (1A)

Insert after section 71 (1):

- (1A) If the Children's Court makes a care order in relation to a reason not listed in subsection (1), the Court may only do so if the Director-General pleads the reason in the care application.

No. 3 Page 12, Schedule 1.2 [21], lines 30 to 36. Omit all words on those lines. Insert instead:

- (7A) For the purposes of subsection (7) (a), the permanency plan need not provide details as to the exact placement in the long term of the child or young person to whom the plan relates but must provide the further and better particulars which are sufficiently identified and addressed so the Court, prior to final orders being made, can have a reasonably clear plan as to the child's or young person's needs and how those needs are going to be met.

No. 4 Page 13, Schedule 1.2. Insert after line 21:

[25] Section 90 (2A) (f):

Insert at the end of section 90 (2A) (e):

- , and
- (f) matters concerning the care and protection of the child or young person that are identified in:

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- (i) a report under section 82, or
 - (ii) a report that has been prepared in relation to a review directed by the Children’s Guardian under section 85A or in accordance with section 150.

No. 5 Page 19, Schedule 1.3 [8], lines 18–22. Omit all words on those lines. Insert instead:

- (4) A temporary care arrangement cannot be:
 - (a) made or renewed in respect of a child or young person if the child or young person has, during the previous 12 months, been the subject of a temporary care arrangement for a period, or for periods in the aggregate, exceeding 6 months, or
 - (b) renewed in respect of a child or young person if the temporary care arrangement was made in the circumstances described in section 151 (3) (b).

No. 6 Page 39, Schedule 3.1. Insert after line 7:

[2] Section 11 (k)

Omit the paragraph.

[3] Sections 15 (1) and 15A (1)

Omit “(other than its functions under section 11 (k))” wherever occurring.

No. 7 Page 42, Schedule 3.1. Insert after line 40:

[8] Section 45B

Omit the section. Insert instead:

45B Establishment of the Team

The Child Death Review Team is established by this Act.

[9] Section 45C Composition of the Team

Omit section 45C (1). Insert instead:

- (1) The Team is to consist of the following members:
 - (a) the Ombudsman, who is to be the Convenor of the Team,
 - (b) the Commissioner,
 - (c) such other persons as may be appointed by the Minister.
- (1A) The Team is to be supported and assisted in the exercise of its functions by members of staff of the Ombudsman’s Office.

[10] Sections 45C (6)

Insert “and the Commissioner” after “the Convenor” wherever occurring.

[11] Sections 45E, 45G and 45H

Insert “or the Commissioner” after “the Convenor” wherever occurring.

[12] Section 45F Remuneration

Insert “, the Commissioner” after “the Convenor”.

[13] Section 45N Functions of the Team

Omit section 45N (3).

[14] Section 45S Preparation and presentation of reports

Omit “or as part of a report of the Commission under Part 5” from section 45S (3).

[15] Section 45U Confidentiality of information

Omit section 45U (1) (c) (iv).