



Queensland

Childrens Court Amendment Rule 2018

Subordinate Legislation 2018 No. 165

made under the

Childrens Court Act 1992

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1 Short title

This rule may be cited as the *Childrens Court Amendment Rule 2018*.

2 Commencement

This rule commences on 29 October 2018.

3 Rules amended

This rule amends the *Childrens Court Rules 2016*.

4 Amendment of r 9 (What part is about)

Rule 9(c), ‘the recognised entity’—

omit, insert—

an independent Aboriginal or Torres Strait Islander entity

5 Amendment of r 14 (Child protection application for Aboriginal or Torres Strait Islander child)

Rule 14(2) and (3)—

omit, insert—

- (2) If the application is for a child protection order, the litigation director must, as soon as practicable after filing the application, file a document stating the name and contact details of the independent Aboriginal or Torres Strait Islander entities for the child, if any, to the extent the information is known to the director when the document is filed.
- (3) If the application is for a court assessment order, the chief executive (child protection) must, as soon as practicable after filing the application or receiving notice of its filing, file a document stating the name and contact details of the independent Aboriginal or Torres Strait Islander

entities for the child, if any.

6 Amendment of pt 5, hdg (Participants in proceedings)

Part 5, heading, after ‘proceedings’—

insert—

and other particular entities

7 Amendment of r 35 (What part is about)

(1) Rule 35(e)—

omit.

(2) Rule 35—

insert—

(g) how the court is to hear, in a CAO proceeding or child protection proceeding, the views of the following entities for an Aboriginal or Torres Strait Islander child—

(i) an independent Aboriginal or Torres Strait Islander entity for the child;

(ii) a member of the child’s family.

(3) Rule 35(f) and (g)—

renumber as rule 35(e) and (f).

8 Amendment of r 36 (Who is a *participant* in a CAO proceeding or child protection proceeding)

(1) Rule 36(d)—

omit.

(2) Rule 36(e) and (f)—

renumber as rule 36(d) and (e).

9 Omission of pt 5, div 6 (Participation of consulted entities for Aboriginal or Torres Strait Islander children)

Part 5, division 6—

omit.

10 Amendment of r 48 (Attending appearance by audio visual link or audio link)

(1) Rule 48(2), ‘must be’—

omit, insert—

must

(2) Rule 48(2)(a), before ‘filed’—

insert—

be

11 Insertion of new pt 5, div 9

Part 5—

insert—

Division 9 Participation of particular entities for Aboriginal or Torres Strait Islander children

49A Way particular entities may express views at appearance in CAO or child protection proceeding

(1) This rule applies if—

(a) the child the subject of a CAO proceeding or child protection proceeding is an Aboriginal or Torres Strait Islander child; and

(b) at an appearance in the proceeding, any of the following entities is to express the

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entity's views about Aboriginal tradition or Island custom relating to the child—

- (i) an independent Aboriginal or Torres Strait Islander entity for the child;
 - (ii) a member of the child's family.
- (2) The entity may express the views orally or in writing.

Note—

See the Child Protection Act, section 6AB for the matters to which the court must have regard when exercising a power under that Act in relation to an Aboriginal or Torres Strait Islander child.

12 Amendment of r 67 (Participation in child protection proceedings)

Rule 67(2)(b), ‘, including a consulted entity for an Aboriginal or Torres Strait Islander child’—

omit.

13 Amendment of r 72 (Exercise of particular powers in relation to Aboriginal or Torres Strait Islander children)

- (1) Rule 72(2)(a) and (b)—

omit, insert—

- (a) matters relevant to how the additional principles mentioned in the Child Protection Act, section 5C(1) apply to the child; and
- (b) matters relevant to how the child placement principles mentioned in the Child Protection Act, section 5C(2) apply to the child; and

- (2) Rule 72(2), notes—

omit.

- (3) Rule 72—

insert—

- (3) Also, the court must consider whether to issue directions to ensure the court is informed of the views of any of the following entities about Aboriginal tradition or Island custom relating to the child—
- (a) an independent Aboriginal or Torres Strait Islander entity for the child;
 - (b) a member of the child’s family.

Note—

See the Child Protection Act, section 6AB for the matters to which the court must have regard when exercising a power under that Act in relation to an Aboriginal or Torres Strait Islander child.

- (4) A direction issued under subrule (3) may require that a copy of a document filed in the proceeding be given to an entity mentioned in that subrule.

14 Amendment of r 108 (Notice of conference)

Rule 108(1)(d), ‘the recognised entity for the child’—

omit, insert—

each independent Aboriginal or Torres Strait Islander entity for the child that is to participate in the conference

15 Amendment of r 112 (Copies of report of conference)

- (1) Rule 112(1)(c), ‘persons who’—

omit, insert—

entities that

- (2) Rule 112(1)(c)(ii), ‘the recognised entity’—

omit.

16 Amendment of sch 1 (Dictionary)

- (1) Schedule 1, definitions *consulted entity* and *recognised entity*—
omit.
- (2) Schedule 1—
insert—

independent Aboriginal or Torres Strait Islander entity, for an Aboriginal or Torres Strait Islander child, see the Child Protection Act, section 6(1).
- (3) Schedule 1, definition *child protection principles*, paragraph (b), ‘section 5D’—
omit, insert—

sections 5D, 5E and 6AA of that Act
- (4) Schedule 1, definition *child protection principles*, note—
omit.

ENDNOTES

- 1 Made by the Governor in Council on 25 October 2018.
- 2 Notified on the Queensland legislation website on 26 October 2018.
- 3 The administering agency is the Department of Justice and Attorney-General.

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