



Queensland

Family Responsibilities Commission and Other Acts Amendment Bill 2011



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2011

A Bill

for

An Act to amend the *Adoption Act 2009*, the *Births, Deaths and Marriages Registration Act 2003*, the *Child Protection Act 1999* and the *Family Responsibilities Commission Act 2008* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Family Responsibilities Commission and Other Acts Amendment Act 2011*. 4
5

Part 2 Amendment of Family Responsibilities Commission Act 2008 6
7
8

Clause 2 Act amended 9

This part amends the *Family Responsibilities Commission Act 2008*. 10
11

Clause 3 Amendment of s 8 (Meaning of *welfare recipient*) 12

Section 8, ‘Social Security Act’— 13
omit, insert— 14
‘Social Security Administration Act’. 15

Clause 4 Amendment of s 48 (Matters commissioner or commission may have regard to in considering whether a person is a community member) 16
17
18

Section 48(a), ‘centrelink secretary’— 19
omit, insert— 20
‘secretary’. 21

Clause 5	Amendment of s 68 (Decision to enter into agreement)	1
	Section 68(2)(b) and (6), ‘centrelink secretary’—	2
	<i>omit, insert—</i>	3
	‘secretary’.	4
Clause 6	Amendment of s 69 (Other decisions)	5
	Section 69(1)(b)(iv), ‘centrelink secretary’—	6
	<i>omit, insert—</i>	7
	‘secretary’.	8
Clause 7	Amendment of s 70 (Notice of decision)	9
	Section 70(2)(c), ‘centrelink secretary’—	10
	<i>omit, insert—</i>	11
	‘secretary’.	12
Clause 8	Amendment of s 71 (Matters commission has regard to in making particular decisions)	13
	Section 71(1)(b), ‘centrelink secretary’—	14
	<i>omit, insert—</i>	15
	‘secretary’.	16
Clause 9	Amendment of s 74 (Notice to centrelink secretary)	17
	Section 74, ‘centrelink secretary’—	18
	<i>omit, insert—</i>	19
	‘secretary’.	20
Clause 10	Amendment of s 75 (Revocation of notice to centrelink secretary)	21
	Section 75, ‘centrelink secretary’—	22
		23
		24

[s 11]

omit, insert— 1
'secretary'. 2

Clause 11 Amendment of s 81 (Definitions for div 2) 3

Section 81, definition *proposed action*, 'centrelink
secretary'— 4
omit, insert— 5
'secretary'. 6

**Clause 12 Amendment of s 87 (Commission may decide to take
proposed action)** 8
9

- (1) Section 87(2) and (7), 'centrelink secretary'— 10
omit, insert— 11
'secretary'. 12
- (2) Section 87(7), 'Social Security Act'— 13
omit, insert— 14
'Social Security Administration Act'. 15

Clause 13 Amendment of s 89 (Notice to centrelink secretary) 16

Section 89, 'centrelink secretary'— 17
omit, insert— 18
'secretary'. 19

**Clause 14 Amendment of s 92 (Commissioner may give information
to particular entities)** 20
21

- (1) Section 92(2) and (4), definition *relevant entity*, paragraph (c),
'centrelink secretary'— 22
omit, insert— 23
'secretary'. 24
25

-
- (2) Section 92(2), ‘Social Security Act’— 1
omit, insert— 2
‘Social Security Administration Act’. 3

Clause 15 Amendment of s 99 (Decision about application) 4

- (1) Section 99(6)(a), ‘centrelink secretary’— 5
omit, insert— 6
‘secretary’. 7
- (2) Section 99(6)(a), ‘Social Security Act’— 8
omit, insert— 9
‘Social Security Administration Act’. 10

Clause 16 Amendment of s 102 (Notice to centrelink secretary) 11

- Section 102, ‘centrelink secretary’— 12
omit, insert— 13
‘secretary’. 14

Clause 17 Amendment of s 106 (Asking for referral to community support services or income management) 15
16

- Section 106(b), ‘centrelink secretary’— 17
omit, insert— 18
‘secretary’. 19

Clause 18 Amendment of s 108 (Responding to request about referral to income management) 20
21

- Section 108(1) and (6), ‘centrelink secretary’— 22
omit, insert— 23
‘secretary’. 24

[s 19]

Clause 19	Amendment of s 109 (Amendment or ending of voluntary agreement)	1 2
(1)	Section 109(3) and (6), ‘centrelink secretary’— <i>omit, insert—</i> ‘secretary’.	3 4 5
(2)	Section 109(6), ‘Social Security Act’— <i>omit, insert—</i> ‘Social Security Administration Act’.	6 7 8
Clause 20	Amendment of s 138 (Commission’s notices to centrelink secretary)	9 10
(1)	Section 138, ‘centrelink secretary’— <i>omit, insert—</i> ‘secretary’.	11 12 13
(2)	Section 138, ‘Social Security Act’— <i>omit, insert—</i> ‘Social Security Administration Act’.	14 15 16
Clause 21	Amendment of s 152 (Expiry of Act)	17
	Section 152, ‘2012’— <i>omit, insert—</i> ‘2013’.	18 19 20
Clause 22	Amendment of s 155 (Vacation of office on expiry of Act)	21
	Section 155, ‘2012’— <i>omit, insert—</i> ‘2013’.	22 23 24

Clause 23	Amendment of s 156 (When particular agreements or family responsibilities orders end)	1
		2
	Section 156, ‘2012’—	3
	<i>omit, insert</i> —	4
	‘2013’.	5
Clause 24	Amendment of schedule (Dictionary)	6
(1)	Schedule, definition <i>centrelink secretary</i> —	7
	<i>omit.</i>	8
(2)	Schedule—	9
	<i>insert</i> —	10
	‘ <i>secretary</i> means the Secretary under the Social Security Administration Act.’.	11
		12
(3)	Schedule, definition <i>family responsibilities order</i> , ‘centrelink secretary’—	13
		14
	<i>omit, insert</i> —	15
	‘secretary’.	16
(4)	Schedule, definition <i>income management</i> , ‘Social Security Act’—	17
		18
	<i>omit, insert</i> —	19
	‘Social Security Administration Act’.	20
(5)	Schedule, definition <i>income management decision</i> , ‘centrelink secretary’—	21
		22
	<i>omit, insert</i> —	23
	‘secretary’.	24
(6)	Schedule, definition <i>Social Security Act</i> , ‘ <i>Social Security Act</i> ’—	25
		26
	<i>omit, insert</i> —	27
	‘ <i>Social Security Administration Act</i> ’.	28

[s 25]

Part 3	Amendment of Adoption Act 2009	1 2
Clause 25	Act amended	3
	This part amends the <i>Adoption Act 2009</i> .	4
Clause 26	Insertion of new ss 290A—290C	5
	Part 12—	6
	<i>insert—</i>	7
	‘290A Application for notice of adoptions in another country	8
	‘(1) This section applies if—	9
	(a) an adoption is granted in a country other than Australia or New Zealand; and	10 11
	(b) before the adoption, the adoptive parents were—	12
	(i) assessed or re-assessed as suitable under part 6; or	13
	(ii) favourably assessed as a prospective adopter under the repealed <i>Adoption of Children Act 1964</i> .	14 15
	‘(2) An interested person may apply, in the approved form, to the chief executive to give notice to the registrar to record the adoption in the adopted children register.	16 17 18
	‘(3) The interested person must give to the chief executive any documents relating to the adoption, or the identification of the adopted person, that the chief executive reasonably requires.	19 20 21
	‘(4) In this section—	22
	<i>interested person</i> , for an adoption, means—	23
	(a) the adopted person;	24
	(b) if the adopted person is a child, deceased, or does not have capacity to make the application—a relative of the adopted person.	25 26 27
	<i>relative</i> see section 249.	28

‘290B Deciding applications for notice of adoptions in another country	1 2
‘(1) If, on application under section 290A, the chief executive is reasonably satisfied that the adopted person was adopted in the other country under arrangements made between the chief executive and the competent authority for the other country, the chief executive must give notice to the registrar to record the adoption in the adopted children register.	3 4 5 6 7 8
‘(2) If the chief executive decides not to give notice to the registrar, the chief executive must give the applicant an information notice for the decision.	9 10 11
‘(3) The chief executive may not make a decision mentioned in subsection (2) having regard to information other than the information received from the applicant unless the chief executive—	12 13 14 15
(a) gives notice of the information to the applicant; and	16
(b) allows the applicant a reasonable opportunity to make submissions to the chief executive about the information.	17 18 19
‘290C Registrar to record information about adoptions granted in another country	20 21
‘(1) This section applies if the chief executive gives the registrar notice under section 290B(1) about an adoption in another country.	22 23 24
‘(2) The registrar must record the adoption by incorporating the notice about the adoption in the adopted children register.’.	25 26
Clause 27 Amendment of s 319 (Right of review against particular decisions)	27 28
Section 319—	29
<i>insert—</i>	30

[s 28]

‘(f) if the person is an interested person mentioned in section 290A(4)—a decision under section 290B(2) not to give the registrar notice.’. 1
2
3

Clause 28 Amendment of sch 3 (Dictionary) 4

Schedule 3, definition *adoptive parent*, paragraph (a), ‘part 13’— 5
6

omit, insert— 7

‘parts 12 and 13’. 8

Part 4 Amendment of Births, Deaths and Marriages Registration Act 2003 9
10
11

Clause 29 Act amended 12

This part amends the *Births, Deaths and Marriages Registration Act 2003*. 13
14

Clause 30 Amendment of s 41A (Registering adoptions) 15

Section 41A(1), from ‘if’— 16

omit, insert— 17

‘if— 18

(a) the registrar receives, under the *Adoption Act 2009*, section 289, a notice of the making of a final adoption order; or 19
20
21

(b) the registrar receives, under the *Adoption Act 2009*, section 290B, a notice to record an adoption granted in another country.’. 22
23
24

Part 5	Amendment of Child Protection Act 1999	1 2
Clause 31	Act amended	3
	This part amends the <i>Child Protection Act 1999</i> .	4
Clause 32	Amendment of s 12 (What is effect of custody)	5
	Section 12(1)(c), after ‘assessment order’—	6
	<i>insert—</i>	7
	‘, temporary custody order’.	8
Clause 33	Amendment of s 162 (Offence to remove child from carer)	9
	Section 162(1), after ‘assessment order’—	10
	<i>insert—</i>	11
	‘, temporary custody order’.	12
Clause 34	Amendment of s 166 (Offence to refuse contact with child in custody or guardianship)	13 14
	Section 166(1), definition <i>child</i> , after ‘assessment order’—	15
	<i>insert—</i>	16
	‘, temporary custody order’.	17
Clause 35	Amendment of sch 3 (Dictionary)	18
	(1) Schedule 3, definition <i>appellate court</i> , paragraph (b), after ‘order’—	19 20
	<i>insert—</i>	21
	‘or temporary custody order’.	22

[s 35]

- | | |
|---|---|
| (2) Schedule 3, definition <i>order</i> , after ‘assessment order’— | 1 |
| <i>insert—</i> | 2 |
| ‘, temporary custody order’. | 3 |

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