



Queensland

# **Child Protection and Other Legislation Amendment Bill 2020**





Queensland

# Child Protection and Other Legislation Amendment Bill 2020

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title .....	4
2	Commencement .....	4
<b>Part 2</b>	<b>Amendment of Adoption Act 2009</b>	
3	Act amended .....	4
4	Amendment of s 152 (Application of div 1 when further selection required) .....	4
5	Amendment of s 198 (Chief executive to supervise child's wellbeing and interests) .....	4
6	Amendment of s 312 (Evidentiary provisions for proceedings under this Act) .....	5
<b>Part 3</b>	<b>Amendment of Child Protection Act 1999</b>	
7	Act amended .....	5
8	Amendment of s 5BA (Principles for achieving permanency for a child) .....	5
9	Insertion of new s 51VAA .....	6
	51VAA Particular review requirements for children under long-term guardianship of chief executive .....	6
10	Amendment of s 51X (Report about the review) .....	7



**2020**

---

**A Bill**

for

***An Act to amend the *Adoption Act 2009* and the *Child Protection Act 1999* 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 *Child Protection and Other  
Legislation Amendment Act 2020*. 4  
5

**Clause 2 Commencement** 6

Part 3 commences on a day to be fixed by proclamation. 7

**Part 2 Amendment of Adoption Act  
2009** 8  
9

**Clause 3 Act amended** 10

This part amends the *Adoption Act 2009*. 11

**Clause 4 Amendment of s 152 (Application of div 1 when further  
selection required)** 12  
13

Section 152(2)(a), ‘responsible Minister under’— 14

*omit, insert—* 15

Minister responsible for administering 16

**Clause 5 Amendment of s 198 (Chief executive to supervise child’s  
wellbeing and interests)** 17  
18

(1) Section 198(1)(c), ‘responsible Minister under’— 19

*omit, insert—* 20

---

	Minister responsible for administering	1
(2)	Section 198(1)—	2
	<i>insert—</i>	3
	(d) because the Minister responsible for administering the <i>Immigration (Guardianship of Children) Act 1946</i> (Cwlth), as the child’s guardian under that Act, placed the child in their custody between 30 April 2018 and 1 July 2019, both dates inclusive.	4 5 6 7 8 9 10
<b>Clause 6</b>	<b>Amendment of s 312 (Evidentiary provisions for proceedings under this Act)</b>	11 12
	Section 312(2)(d), ‘responsible Minister under’—	13
	<i>omit, insert—</i>	14
	Minister responsible for administering	15
<b>Part 3</b>	<b>Amendment of Child Protection Act 1999</b>	16 17
<b>Clause 7</b>	<b>Act amended</b>	18
	This part amends the <i>Child Protection Act 1999</i> .	19
<b>Clause 8</b>	<b>Amendment of s 5BA (Principles for achieving permanency for a child)</b>	20 21
	Section 5BA(4)—	22
	<i>omit, insert—</i>	23
	(4) For deciding whether an action or order best achieves permanency for a child, the following principles also apply, in order of priority—	24 25 26

[s 9]

---

- (a) the first preference is for the child to be cared for by the child's family; 1  
2
- (b) the second preference is for the child to be cared for under the guardianship of a person who is a member of the child's family, other than a parent of the child, or another suitable person; 3  
4  
5  
6  
7
- (c) if the child is not an Aboriginal or Torres Strait Islander child—the next preference is for the child to be adopted under the *Adoption Act 2009*; 8  
9  
10  
11
- (d) the next preference is for the child to be cared for under the guardianship of the chief executive; 12  
13  
14
- (e) if the child is an Aboriginal or Torres Strait Islander child—the last preference is for the child to be adopted under the *Adoption Act 2009*. 15  
16  
17  
18

Notes— 19

- 1 See also section 5C for the additional principles that apply for administering this Act in relation to Aboriginal and Torres Strait Islander children, including the child placement principles. 20  
21  
22  
23
- 2 For the principles that apply for administering the *Adoption Act 2009*, including the additional principles applying in relation to Aboriginal and Torres Strait Islander children, see sections 6 and 7 of that Act. 24  
25  
26  
27  
28

<b>Clause 9</b>	<b>Insertion of new s 51VAA</b>	29
	After section 51V—	30
	<i>insert—</i>	31
	<b>51VAA Particular review requirements for children under long-term guardianship of chief executive</b>	32 33 34
	(1) This section applies if a long-term guardianship	35



---

order, granting long-term guardianship of the child to the chief executive, is in force for the child.	1 2 3
(2) If the long-term guardianship order was made before the commencement, at least 1 review of the case plan that is carried out under section 51V within the period of 2.5 years after the commencement must comply with subsection (4).	4 5 6 7 8
(3) If subsection (2) does not apply—	9
(a) the chief executive must review the case plan under section 51V within the period of 6 months starting on the day that is 2 years after the day the long-term guardianship order was made; and	10 11 12 13 14
(b) the review must comply with subsection (4).	15
(4) For subsections (2) and (3)(b), the review must consider whether permanency for the child would be best achieved by an alternative arrangement mentioned in section 5BA(4)(a), (b) or (c).	16 17 18 19
<i>Note—</i>	20
See also chapter 1, part 2, division 1 for the principles that apply in administering this Act, including—	21 22
• section 5BA(4) for the principles that apply in deciding whether an action or order best achieves permanency for a child; and	23 24 25
• section 5C for the additional principles that apply in relation to Aboriginal and Torres Strait Islander children.	26 27 28
(5) This section does not limit section 51V.	29
<b>Clause 10      Amendment of s 51X (Report about the review)</b>	30
Section 51X(1)—	31
<i>insert—</i>	32
(g) if section 51VAA applies in relation to the review and the review considered the matter	33 34

---

[s 10]

---

mentioned in section 51VAA(4)—the 1  
review’s findings in relation to the matter. 2

© State of Queensland 2020