CHILD PROTECTION (INTERNATIONAL MEASURES) BILL 2003

EXPLANATORY NOTES
FOR
AMENDMENTS TO BE MOVED IN COMMITTEE BY THE HONOURABLE JUDY SPENCE MP

Title of the Bill

Child Protection (International Measures) Bill 2003

Objectives of the Amendments

To address gaps in the drafting of amendments to provisions of the *Child Protection Act 1999* relating to the suitability of persons associated with licensed care services, which are contained in Schedule 3 of the Bill.

Achievement of the Objectives

The policy objective is achieved by making it clear that:

- where an application is made to amend a licence for the purpose of changing the nominee for the licence, the chief executive must consider the suitability of the proposed new nominee before granting the application; and

- where any person whose suitability must be approved for the purpose of granting an application for a licence for a care service or for a certificate of approval, is or becomes, unsuitable, that this is a ground for suspension or cancellation of the licence or certificate.

Estimated Cost for Government Implementation

There are no financial implications for Government in implementing the amended provisions.

Consistency with Fundamental Legislative Principles

The amendments are consistent with fundamental legislative principles.

Consultation

No further consultation has occurred for the amendments in committee as they merely implement the initial policy objectives in more comprehensive manner.

NOTES ON PROVISIONS

Clause 1 adds new clause 14A after clause 14 in Schedule 3 of the Bill. Clause 14A amends section 127 of the *Child Protection Act 1999* to require a licence to be in the approved form and to require the inclusion of the following information on the licence:

- the licensee's name

- the nominee for the licence

- the address of the licensed premises

- any conditions of the licence.

This amendment enables the amendment of a licence under section 137 of the *Child Protection Act 1999* for the purpose of changing the nominee for the licence.

Clause 2 adds new clause 15A after clause 15 in Schedule 3 of the Bill. Clause 15A amends section 134 of the *Child Protection Act 1999* to achieve consistency with the amendments to section 127 made by clause 1. Section 134 of the *Child Protection Act 1999* deals with the granting of certificates of approval for approved foster carers. The amendments require the certificate to be in the approved form and to include the following:

- the name of the approved foster carer

- the type of care approved to be provided

- any conditions of the certificate.

Clause 3 adds new clauses 16A, 16B, 16C and 16D after clause 16 in Schedule 3 of the Bill. Clause 16A amends section 137 of the *Child Protection Act 1999* to require the chief executive to consider the suitability of a proposed new nominee for a licence when determining whether to grant an application for amendment of the licence to change the nominee. Clause 16B renumbers paragraphs in section 139 of *the Child Protection Act 1999* as a consequence of the amendments made by clauses 16C and 16D. Clause 16C amends section 139 of the *Child Protection Act 1999* to provide an additional ground for cancellation or suspension of a licence or a certificate of approval. The additional ground enables a licence or certificate of approval to be suspended or cancelled if any of the persons who are required to be suitable for the purpose of the granting of the authority are not suitable. For example, where directors of a licensee change during the term of the licence and the chief executive is not satisfied, after an inquiry is made under section 142, that a new director is suitable, then the chief executive may suspend or cancel the licence. Clause 16D defines 'relevant person' for the purpose of Clause 16C.

Clause 4 amends clause 18 in Schedule 3 of the Bill to make the wording of the amendment consistent with the wording in section 142(1)(b) of the *Child Protection Act 1999*.