

Child Protection Reform Amendment Bill 2017

Explanatory Notes

**For amendments to be moved during consideration in detail by
The Honourable Shannon Fentiman MP
Minister for Communities, Women and Youth
Minister for Child Safety and
Minister for the Prevention of Domestic and Family Violence**

Short title

Child Protection Reform Amendment Bill 2017

Policy objectives and the reasons for them

The amendments to be moved during consideration in detail are minor and consequential amendments to:

- clause 64 of the Bill to reflect the passage of the *Criminal Law (Historical Homosexual Convictions Expungement) Act 2017*;
- replace cross-references to the term ‘recognised entity’ with the term ‘independent Aboriginal or Torres Strait Islander entity’ in the *Adoption Act 2009* and the *Public Guardian Act 2014*, to ensure consistency with the terminology in the Bill; and
- include references to the *Adoption Act 2009* and the *Public Guardian Act 2014* in the long title of the Bill.

Achievement of policy objectives

The amendments will:

- ensure the intended amendment to section 159C of the *Child Protection Act 1999*, included in the *Criminal Law (Historical Homosexual Convictions Expungement) Act 2017*, is incorporated into clause 64 of the Bill;
- replace references to the term ‘recognised entity’, in the *Adoption Act 2009* and the *Public Guardian Act 2014*, with the term ‘independent Aboriginal or Torres Strait Islander entity’, as recognised entities will now be covered by the new concept of an independent Aboriginal or Torres Strait Islander entity introduced by the Bill; and
- ensure the correct long title for the Bill by including references to the *Adoption Act 2009* and the *Public Guardian Act 2014*.

Alternative ways of achieving policy objectives

The policy objectives can only be achieved by legislative amendment.

Estimated cost for government implementation

There are no costs associated with the amendments to be moved during consideration in detail.

Consistency with fundamental legislative principles

The amendments to be moved during consideration in detail are consistent with fundamental legislative principles.

Consultation

Consultation on these amendments was not necessary as they are minor and technical in nature.

Notes on provisions

Amendment 1 amends clause 64 to also provide that information may not be shared under Chapter 5A, part 4 of the Act to the extent it relates to an expunged conviction or expunged charge. The amendment defines an expunged charge and an expunged conviction by referring to the respective definitions provided in schedule 1 of the *Criminal Law (Historical Homosexual Convictions Expungement) Act 2017*.

Amendment 2 inserts new clauses 88 to 97, which replace references to the term ‘recognised entity’, in the *Adoption Act 2009* and the *Public Guardian Act 2014*, with the term ‘independent Aboriginal or Torres Strait Islander entity’.

Amendment 3 amends the long title of the Bill to include references to the *Adoption Act 2009* and the *Public Guardian Act 2014*.