

Child Protection and Other Legislation Amendment Act 2021

Explanatory notes for SL 2021 No. 166

made under the

Child Protection and Other Legislation Amendment Act 2021

General Outline

Short title

Proclamation commencing remaining provisions of the *Child Protection and Other Legislation Amendment Act 2021*

Authorising law

Section 2 of the *Child Protection and Other Legislation Amendment Act 2021*

Policy objectives and the reasons for them

The objective of the Proclamation is to commence the remaining provisions (part 3) of the *Child Protection and Other Legislation Amendment Act 2021* on 29 November 2021.

Part 3 of the *Child Protection and Other Legislation Amendment Act 2021* amends the *Child Protection Act 1999* to:

- enhance the approach to permanency under the *Child Protection Act 1999*
- clarify that adoption is an option for achieving permanency for children in care, as part of the suite of alternative long-term care options available, and
- clarify the importance of and promote alternative permanency options for children subject to a child protection order granting long-term guardianship to the chief executive.

Part 3 of the *Child Protection and Other Legislation Amendment Act 2021* amends section 5BA(4) of the *Child Protection Act 1999* to provide that adoption is the third preference for deciding whether an action or order best achieves permanency for a child who is not an Aboriginal or Torres Strait Islander child. For an Aboriginal or

Torres Strait Islander child, the amendment provides that adoption is the last preference after being cared for under the guardianship of the chief executive.

Part 3 of the *Child Protection and Other Legislation Amendment Act 2021* also inserts a new section 51VAA into the *Child Protection Act 1999* to require the chief executive to review the case plan for a child subject to a Child Protection Order granting long-term guardianship to the chief executive two years after the long-term order was made. The review must consider whether permanency for the child would be best achieved by an alternative arrangement as provided for in section 5BA(4).

Part 3 of the *Child Protection and Other Legislation Amendment Act 2021* implements the intent of the Deputy State Coroner's findings of inquest into the death of Mason Jet Lee.

Parts 1 and 2 of the *Child Protection and Other Legislation Amendment Act 2021* commenced on assent.

Achievement of policy objectives

The policy objective is achieved by fixing 29 November 2021 as the commencement date for the remaining provisions (part 3) of the *Child Protection and Other Legislation Amendment Act 2021*.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the policy objectives of the authorising law.

Inconsistency with policy objectives of other legislation

The Proclamation is not inconsistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives.

Benefits and costs of implementation

The Explanatory Notes for the *Child Protection and Other Legislation Amendment Act 2021* noted that implementation costs would be met from within existing resources.

Consistency with fundamental legislative principles

The Proclamation is consistent with fundamental legislative principles.

Consultation

Targeted consultation was undertaken with key stakeholders during the development of the Act. As a result, further external consultation was not undertaken regarding the commencement of the remaining provisions.

In accordance with the *Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation was not consulted. The Department of Children, Youth Justice and Multicultural Affairs applied a self-assessed exclusion from regulatory impact analysis on the basis that the proclamation is of a machinery nature – category (G).