



Queensland

# **Child Protection and Other Legislation Amendment Act 2021**

**Act No. 6 of 2021**

---

**An Act to amend the Adoption Act 2009 and the Child Protection Act 1999  
for particular purposes**

**[Assented to 7 April 2021]**





Queensland

# Child Protection and Other Legislation Amendment Act 2021

## Contents

---

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



---

**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Child Protection and Other Legislation Amendment Act 2021*.

### **2 Commencement**

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

## **Part 2 Amendment of Adoption Act 2009**

### **3 Act amended**

This part amends the *Adoption Act 2009*.

### **4 Amendment of s 152 (Application of div 1 when further selection required)**

Section 152(2)(a), ‘responsible Minister under’—  
*omit, insert—*

Minister responsible for administering

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

(1) Section 198(1)(c), ‘responsible Minister under’—  
*omit, insert—*

[s 6]

---

Minister responsible for administering

(2) Section 198(1)—

*insert—*

(d) because the Minister responsible for administering the *Immigration (Guardianship of Children) Act 1946* (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.

**6 Amendment of s 312 (Evidentiary provisions for proceedings under this Act)**

Section 312(2)(d), ‘responsible Minister under’—

*omit, insert—*

Minister responsible for administering

**Part 3 Amendment of Child Protection Act 1999**

**7 Act amended**

This part amends the *Child Protection Act 1999*.

**8 Amendment of s 5BA (Principles for achieving permanency for a child)**

Section 5BA(4)—

*omit, insert—*

(4) For deciding whether an action or order best achieves permanency for a child, the following principles also apply, in order of priority—

- 
- (a) the first preference is for the child to be cared for by the child's family;
  - (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;
  - (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*;
  - (d) the next preference is for the child to be cared for under the guardianship of the chief executive;
  - (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*.

*Notes—*

- 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.
- 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.

## 9 Insertion of new s 51VAA

After section 51V—

*insert—*

### **51VAA Particular review requirements for children under long-term guardianship of chief executive**

- (1) This section applies if a long-term guardianship

[s 10]

---

order, granting long-term guardianship of the child to the chief executive, is in force for the child.

- (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).
- (3) If subsection (2) does not apply—
  - (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
  - (b) the review must comply with subsection (4).
- (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).

*Note—*

See also chapter 1, part 2, division 1 for the principles that apply in administering this Act, including—

- section 5BA(4) for the principles that apply in deciding whether an action or order best achieves permanency for a child; and
- section 5C for the additional principles that apply in relation to Aboriginal and Torres Strait Islander children.

- (5) This section does not limit section 51V.

## **10 Amendment of s 51X (Report about the review)**

Section 51X(1)—

*insert—*

- (g) if section 51VAA applies in relation to the review and the review considered the matter



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

© State of Queensland 2021