

TASMANIA

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**CHILDREN, YOUNG PERSONS AND THEIR  
FAMILIES AMENDMENT AMENDMENT BILL  
2017**

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**CHILDREN, YOUNG PERSONS AND THEIR  
FAMILIES AMENDMENT AMENDMENT BILL  
2017**

*(Brought in by the Minister for Human Services, the  
Honourable Jacqueline Anne Petrusma)*

**A BILL FOR**

**An Act to amend the *Children, Young Persons and Their  
Families Amendment Act 2013***

Be it enacted by Her Excellency the Governor of Tasmania, by  
and with the advice and consent of the Legislative Council and  
House of Assembly, in Parliament assembled, as follows:

**1. Short title**

This Act may be cited as the *Children, Young  
Persons and Their Families Amendment  
Amendment Act 2017*.

**2. Commencement**

This Act commences on a day to be proclaimed.

**3. Principal Act**

In this Act, the *Children, Young Persons and  
Their Families Amendment Act 2013*\* is referred  
to as the Principal Act.

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\*No. 64 of 2013

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**4. Section 4 amended (Section 3 amended (Interpretation))**

Section 4 of the Principal Act is amended by inserting after paragraph (a) the following paragraph:

- (ab) by inserting the following definition after the definition of “contribution order”:

***convenor*** means a person assigned to convene and facilitate a family meeting under section 29C;

**5. Section 7 amended (Section 11 amended (Voluntary care agreement))**

Section 7 of the Principal Act is amended as follows:

- (a) by omitting “arising from a disability” from paragraph (a)(i) of the definition of ***extension period*** in proposed new subsection (1);
- (b) by omitting “arising from a disability” from paragraph (a)(i) of the definition of ***initial period*** in proposed new subsection (1);
- (c) by omitting “arising from a disability” from paragraph (a)(i) of proposed new subsection (4);

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- (d) by omitting “3” from paragraph (b) of proposed new subsection (4) and substituting “6”.

**6. Section 11 amended (Part 5, Division 1AA inserted)**

Section 11 of the Principal Act is amended as follows:

- (a) by omitting subsection (2) of proposed new section 29A and substituting the following subsection:

- (2) The Secretary must cause a family meeting to be convened if –

- (a) a Court adjourns proceedings and refers a matter to a family meeting for consideration and report; or

- (b) the Secretary is required under section 53 to convene a family meeting.

- (b) by omitting proposed new sections 29C to 29G, inclusive, and substituting the following proposed new sections:

**29C. Convening family meeting**

- (1) If a family meeting is to be held, the Secretary must assign an employee of the Department

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(*convenor*) to convene and facilitate the family meeting.

(2) The convenor may consult with the child and any relevant persons that the convenor considers appropriate with regard to –

(a) who should be invited to attend the family meeting; and

(b) the time and place of the meeting; and

(c) whether or not any person, including the child, should be represented by an advocate at the meeting; and

(d) the meeting's agenda.

(3) In determining whether a person is to be invited or not to be invited to a family meeting, the convenor must take into account any relevant restraint order made under the *Justices Act 1959* or any other relevant order of a court.

**29D. Procedure at family meeting**

- (1) The convenor is to conduct a family meeting in an informal manner.
- (2) If the convenor considers it appropriate, the convenor may adjourn the family meeting from time to time and from place to place.

**29E. Convenor may prepare report**

The convenor may prepare a report on the family meeting and, if a report is prepared, is to provide a copy of the report to any person that the Secretary considers appropriate.

- (c) by inserting after “proceedings” in subsection (2) of proposed new section 29H “, other than in proceedings for an offence against subsection (1)(c)”;
- (d) by omitting subsection (3) of proposed new section 29H and substituting the following subsection:
  - (3) Despite subsection (2), any report of the convenor made following a family meeting is admissible in proceedings under Division 2 for the purpose of establishing that a decision was or was not made.

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**7. Sections 36 and 37 repealed**

Sections 36 and 37 of the Principal Act are repealed.

**8. Repeal of Act**

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.