

CLAUSE NOTES

Children, Young Persons and Their Families Amendment Amendment Bill 2017

- Clause 1:** **Short Title**
- This clause provides that the Act is to be referred to as the *Children, Young Persons and Their Families Amendment Amendment Act 2017*.
- Clause 2:** **Commencement**
- This clause provides that the Act commences on a day or days to be proclaimed.
- Clause 3:** **Principal Act**
- This clause provides that the Principal Act amended by this Bill is the *Children, Young Persons and Their Families Amendment Act 2013*.
- Clause 4:** **Section 4 amended (Section 3 amended (Interpretation))**
- This clause amends section 4 of the *Children Young Persons and Their Families Amendment Act 2013* by inserting the following additional definition:
- “Convenor” – means a person who has been assigned to convene and facilitate a family meeting under section 29C of the Principal Act.
- Clause 5:** **Section 7 amended (Section 11 amended (Voluntary care agreement))**
- This clause amends section 7 of the *Children Young Persons and Their Families Amendment Act 2013* by removing reference to “arising from a disability”. This ensures that ‘special circumstances’ is interpreted broadly, and includes but is not limited by the reference to disability.
- In addition, the clause also amends section 7 to clarify that the current initial period of three months for a voluntary care agreement can be extended by up to three months to make the total maximum period of care six months.
- Clause 6:** **Section 11 amended (Part 5, Division IAA inserted)**
- Clause 6 amends section 11 of the Act by omitting the proposed new subsection 29A(2) and substituting it with a new subsection that provides that the Secretary must cause a family meeting to be

convened if a Court adjourns proceedings and refers a matter to a family meeting for consideration and report; or if the Secretary is required under section 53 to convene a family meeting.

The clause also omits the proposed new sections 29C to section 29G inclusive, and substitutes replacement sections. The new replacement sections are summarised below.

29C Convening family meeting

This section outlines the family meeting process, who may be consulted, invited, the use and appointment of a convenor of a family meeting and what must be taken into account in convening a family meeting.

29D Procedure at family meeting

This section provides that the family meeting is undertaken in an informal manner and the convenor may adjourn the meeting.

29E Convenor may prepare report

This section provides that a convenor may prepare a report of the family meeting and a copy may be provided to any person the Secretary considers appropriate.

29H Publication of discussion at, and reports on, family meeting

Sub-section 29H(3) of the Principal Act is omitted and replaced with a provision that provides that 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.

Clause 7:

Sections 36 and 37 repealed

This clause repeals the existing sections 36 and 37 of the *Children Young Persons and Their Families Amendment Act 2013*. The provisions being omitted originally made consequential amendments regarding section 87 (Functions of facilitator) and section 88 (Guidelines for facilitator) of the *Children Young Persons and Their Families Act 1997* in respect to references to family meetings. These references are no longer required due to the earlier amendments.

Clause 8:

Repeal of Act

Clause 8 is a formal provision that repeals this Amendment Act on the 365th day from which it commences.