

## LEGISLATIVE COUNCIL

**CHILDREN AND HEALTH LEGISLATION AMENDMENT (STATEMENT OF  
RECOGNITION, ABORIGINAL SELF-DETERMINATION AND OTHER  
MATTERS) BILL 2023**

(Amendments and New Clauses to be proposed in Committee by SAMANTHA RATNAM)

## NEW CLAUSE

1. Insert the following New Clause to follow clause 4—

**'4A Aboriginal Child Placement Principle**

- (1) For section 13(1) of the **Children, Youth and Families Act 2005** substitute—

"(1) For the purposes of this Act, subsections (1A) and (1B) are the Aboriginal Child Placement Principle.

(1A) Removing an Aboriginal child from the care of a parent causes harm to the child, including serious harm arising from disrupting the child's connection to the child's culture.

(1B) Despite subsection (1), if it is in the best interests of an Aboriginal child to be placed in out of home care, in making that placement, regard must be had—

- (a) to the advice of the relevant Aboriginal agency; and
- (b) to the criteria in subsection (2); and
- (c) to the principles in section 14.

(1C) The Secretary must have regard to the Aboriginal Child Placement Principle when—

- (a) making a decision in respect of an Aboriginal child under section 173, 241 or 242; and
- (b) preparing a case plan for an Aboriginal child under section 168; and
- (c) reviewing a case plan for an Aboriginal child under section 169.

(1D) A Court must have regard to the Aboriginal Child Placement Principle when making any order under Chapter 4 in respect of an Aboriginal child."

- (2) For section 13(2)(a) of the **Children, Youth and Families Act 2005** substitute—

"(a) as a priority, wherever possible, the child must be placed—

- (i) within the Aboriginal extended family or with Aboriginal relatives and where this is not possible other extended family or relatives; and

(ii) together with any siblings with whom the child has been residing;".

(3) In section 13(3) of the **Children, Youth and Families Act 2005**, for "(1)(a)" **substitute** "(1B)(a)".

2. Clause 5, page 12, line 24, omit 'language.'" and insert "language."

3. Clause 5, page 12, after line 24 insert—

'(1F) The principles referred to in section 12(1)(a) and subsections (1B), (1C) and (1D) are subject to the child's or the child's parent's agreement to the participation of the persons referred to in those provisions.".

#### NEW CLAUSES

4. Insert the following New Clauses to follow clause 12—

##### **'12A When Court may make order under this Part**

At the end of section 274 of the **Children, Youth and Families Act 2005** **insert—**

"(2) A Court must not make an order under this Part in respect of an Aboriginal child unless the Court is satisfied, by a disposition report prepared in accordance with section 558(cb), that all reasonable steps have been taken by the Secretary to comply with the Aboriginal Child Placement Principle."

##### **12B Content of disposition report**

After section 558(ca) of the **Children, Youth and Families Act 2005** **insert—**

"(cb) if the report relates to an Aboriginal child, a detailed statement setting out the steps taken by the Secretary to comply with the Aboriginal Child Placement Principle.".