

LEGISLATIVE COUNCIL

CHILDREN, YOUTH AND FAMILIES BILL

(Amendments to be proposed in Committee by the Honourable WENDY LOVELL)

1. Clause 135, after line 20 insert—

"() An agreement under sub-section (1) is of no effect unless—

- (a) it contains a statement that the parent of the child and, if the child is mature enough to give instructions, the child have been provided with independent legal advice from a legal practitioner as to the legal effect of the agreement; and
- (b) a certificate is attached to the agreement, signed by the person who provided the legal advice and stating that the advice was provided.

() The service provider must register a copy of an agreement under sub-section (1) (including a copy of the certificate of independent legal advice relating to the agreement) with the Family Division within 7 days after the agreement is entered into."

2. Clause 137, after line 21 insert—

"() An extension of the agreement is of no effect unless—

- (a) the agreement to extend contains a statement that the parent of the child and, if the child is mature enough to give instructions, the child have been provided with independent legal advice from a legal practitioner as to the legal effect of the extension; and
- (b) a certificate is attached to the agreement to extend, signed by the person who provided the legal advice and stating that the advice was provided.

() The service provider must register a copy of an agreement to extend (including a copy of the certificate of independent legal advice relating to the extension) with the Family Division within 7 days after the agreement to extend is entered into."

3. Clause 139, after line 14 insert—

"() A variation of the agreement is of no effect unless—

- (a) the agreement to vary contains a statement that the parent of the child and, if the child is mature enough to give instructions, the child have been provided with independent legal advice from a legal practitioner as to the legal effect of the variation; and
- (b) a certificate is attached to the agreement to vary, signed by the person who provided the legal advice and stating that the advice was provided.

- () The service provider must register a copy of the varied agreement (including a copy of the certificate of independent legal advice relating to the variation) with the Family Division within 7 days after the agreement to vary is entered into."
- 4. Clause 141, after line 22 insert—
 - "() The service provider must give notice to the Family Division of the termination or ending of a short-term child care agreement under this Division within 7 days after the agreement is terminated or ends."
- 5. Clause 145, after line 31 insert—
 - "() An agreement under sub-section (1) is of no effect unless—
 - (a) it contains a statement that the parent of the child and, if the child is mature enough to give instructions, the child have been provided with independent legal advice from a legal practitioner as to the legal effect of the agreement; and
 - (b) a certificate is attached to the agreement, signed by the person who provided the legal advice and stating that the advice was provided.
 - () The service provider must register a copy of an agreement under sub-section (1) (including a copy of the certificate of independent legal advice relating to the agreement) with the Family Division within 7 days after the agreement is entered into."
- 6. Clause 152, page 98, after line 16 insert—
 - "() A variation or extension of the agreement is of no effect unless—
 - (a) the agreement to vary or extend contains a statement that the parent of the child and, if the child is mature enough to give instructions, the child have been provided with independent legal advice from a legal practitioner as to the legal effect of the variation or extension; and
 - (b) a certificate is attached to the agreement to vary or extend, signed by the person who provided the legal advice and stating that the advice was provided.
 - () The service provider must register a copy of the varied agreement or the agreement to extend (including a copy of the certificate of independent legal advice relating to the variation or extension) with the Family Division within 7 days after the agreement to vary or extend is entered into."
- 7. Clause 154, after line 24 insert—
 - "() The service provider must give notice to the Family Division of the termination or ending of a long-term child care agreement under this Division within 7 days after the agreement is terminated or ends."

8. Clause 158, lines 18 and 19, omit "**Victorian Civil and Administrative Tribunal**" and insert "**Children's Court**".
9. Clause 158, line 20, omit "VCAT" and insert "the Family Division".
10. Clause 158, page 100, lines 1 to 10, omit all words and expressions on these lines.
11. Clause 158, page 100, line 11, omit "VCAT" and insert "the Family Division".
12. Clause 333, lines 1 and 2, omit "**Victorian Civil and Administrative Tribunal**" and insert "**Children's Court**".
13. Clause 333, line 3, omit "VCAT" and insert "the Family Division".
14. Clause 333, lines 11 to 20, omit all words and expressions on these lines.
15. Clause 333, line 21, omit "VCAT" and insert "the Family Division".
16. Clause 515, page 404, after line 29 insert—
 - "() The jurisdiction given by sub-section (1) is also additional to the review jurisdiction given to the Family Division by sections 158 and 333.
 - () Sections 45, 46(1), 46(2), 46(3), 47(1), 47(2), 47(3), 49, 50 (except sub-section (7)), 51, 59 (except sub-section (1)(a)) and 60 of the **Victorian Civil and Administrative Tribunal Act 1998** apply (with any necessary modifications) to an application for review under section 158 or 333 of this Act and in particular as if any reference—
 - (a) to the Tribunal were a reference to the Family Division;
 - (b) to an enabling enactment were a reference to this Act;
 - (c) to an appeal under Part 5 were a reference to an appeal under section 329 of this Act."
17. Clause 588, line 6, after "Court" insert "and Rules for or with respect to procedures relating to the review jurisdiction of the Family Division of the Court".