

LEGISLATIVE COUNCIL

CHILDREN, YOUTH AND FAMILIES AMENDMENT (RESTRICTIONS ON THE MAKING OF PROTECTION ORDERS) BILL 2015

(Amendments and New Clauses to be proposed in Committee by Ms CROZIER)

1. Clause 1, omit this clause.

NEW CLAUSES

2. Insert the following New Clause before clause 2—

"AA Purposes

The main purposes of this Act are to amend the **Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014**—

- (a) in relation to the restrictions on the making of protection orders under the **Children, Youth and Families Act 2005**; and
- (b) to require the Children's Court of Victoria to publish information relating to decisions not to make protection orders; and
- (c) to require the Commission for Children and Young People to report on that information in the Commission's annual report."

3. Insert the following New Clause to follow clause 2—

"BB Definitions

In section 4(2) of the **Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014**, insert the following definition—

"Commission for Children and Young People means the Commission for Children and Young People established under section 6 of the **Commission for Children and Young People Act 2012**;"

4. Insert the following New Clause to follow clause 3—

"CC New section 276B inserted

After section 19 of the **Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014** insert—

"19A New section 276B inserted

Before section 277 of the Principal Act insert—

"276B Commission for Children and Young People to report on operation of section 276

- (1) The Commission for Children and Young People, in its annual report of operations under Part 7 of the **Financial Management Act 1994**, must report on whether section 276 of this Act is operating

effectively having regard to the principle set out in section 10(3)(fa) and to the other principles set out in Division 2 of Part 1.2.

- (2) A report prepared under this section must not contain any information that will or may disclose the identity of a person.

276C Assistance to be provided to the Commission for Children and Young People

The Secretary to the Department must ensure that the Commission for Children and Young People is provided with any information kept by the Department that the Commission reasonably requires in connection with the performance of the Commission's functions under section 276B.

276D Court to report on operation of section 276

- (1) The Court must, in respect of each quarter ending on 30 June, 30 September, 31 December and 31 March, prepare a report of the Court's decisions not to make a protection order during the quarter.
- (2) A report included under subsection (1) must contain information about the following for the relevant quarter—
 - (a) the number of times the Court considered the making of a protection order and the number of times the Court rejected the making of a protection order;
 - (b) if the Court rejected the making of a protection order—
 - (i) whether the Court rejected making the protection order because the Court was not satisfied that a consideration set out in section 276(1) or (2) was met; and
 - (ii) whether the Court has made any other order or required any person to give an undertaking in respect of the child; and
 - (iii) the length of time the child has been subject to any other order or orders made by the Court that were in operation at the time the Court rejected the making of the protection order;
 - (c) if the Court rejected the making of a protection order because it was not satisfied that a consideration set out in section 276(1)(b) or (2)(b) was met, whether the Court had, before the rejection of the making of the order, ordered the Secretary to provide services referred to in section 276(1)(b) or (2)(b) and, if so, whether those services were provided;
 - (d) if the Court has required any person to give an undertaking in respect of a child, whether the undertaking has been complied with and, if the undertaking has not been complied with, whether the Court made any other order as a result of that non-compliance;

- (e) any other information the Court considers appropriate to include about a decision not to make a protection order.
- (3) A report prepared under this section must not contain any information that will or may disclose the identity of a person.
- (4) The Court must publish on its website a report prepared under this section before the end of the quarter following the quarter to which the report relates."."