

Legislative Council—Bill No 237

Amendments to be moved by Hon Tammy Franks MLC [1]

Filed 6.2.25

South Australia

Children and Young People (Safety and Support) Bill 2024

Amendment No 1 [Franks-1]—

Clause 1, page 12, line 4—

Delete "(Safety and Support)" and substitute:

(Best Interests)

Amendment No 2 [Franks-1]—

Clause 3, page 13, line 7 [clause 3(1), definition of best interests]—

Delete the definition

Amendment No 3 [Franks-1]—

Clause 10, page 21, lines 2 to 6—

Delete clause 10 and substitute:

10—Best interests of children and young people paramount

- (1) For the purposes of this Act, the best interests of children and young people must always be paramount.
- (2) In determining whether a decision or action is in the best interests of a child or young person, the need to protect them from harm, to protect their rights and to promote their development (taking into account their age and stage of development) must always be considered.
- (3) In addition to subsection (1) and (2), in determining what decision to make or action to take in the best interests of a child or young person, consideration must be given to the following, where they are relevant to the decision or action:
 - (a) the need to give the widest possible protection and assistance to the parent and child or young person as the fundamental group unit of society and to ensure that intervention into that relationship is limited to that necessary to secure the safety and wellbeing of the child or young person;
 - (b) the need to strengthen, preserve and promote positive relationships between the child or young person and their parents, family members and other persons significant to them;
 - (c) the need, in relation to an Aboriginal or Torres Strait Islander child or young person, to protect and promote their cultural and spiritual identity and development by, wherever possible, maintaining and building their connections to their Aboriginal or Torres Strait Islander family and community;

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- (d) the child or young person's views and wishes, if they can be reasonably ascertained, and they should be given such weight as is appropriate in the circumstances;
- (e) the effects of cumulative patterns of harm on a child or young person's safety and development;
- (f) the desirability of continuity and permanency in the child or young person's care;
- (g) the desirability of making decisions as expeditiously as possible and the possible harmful effect of delay in making a decision or taking an action;
- (h) that a child or young person is only to be removed from the care of their parent if there is an unacceptable risk of harm to the child or young person;
- (i) if a child or young person is to be removed from the care of their parent, that consideration is to be given first to the child or young person being placed with an appropriate family member or other appropriate person significant to them, before any other placement option is considered;
- (j) the desirability, when a child or young person is removed from the care of their parent, to plan the reunification of the child or young person with their parent;
- (k) the capacity of each parent or other adult relative or potential care giver to provide for a child or young person's needs and any action taken by the parent to give effect to the goals set out in the case plan relating to the child or young person;
- (l) contact arrangements between the child or young person and their parents, siblings, family members and other persons significant to them;
- (m) the child or young person's social, individual and cultural identity and religious faith (if any) and their age, maturity, sex and sexual identity;
- (n) where a child or young person with a particular cultural identity is placed in out of home care with a care giver who is not a member of that cultural community, the desirability of the child or young person retaining a connection with their culture;
- (o) the desirability of a child or young person being supported to gain access to appropriate educational services, health services and accommodation and to participate in appropriate social opportunities;
- (p) the desirability of allowing the education, training or employment of the child or young person to continue without interruption or disturbance;
- (q) the desirability of siblings being placed together when they are placed in out of home care;
- (r) any other relevant consideration.

Amendment No 4 [Franks–1]—

Clause 11, page 21, line 7 to page 22, line 22—

Delete clause 11

Amendment No 5 [Franks-1]—

Clause 48, page 46, line 39—

Delete "section 11" and substitute:
section 10(2)

Amendment No 6 [Franks-1]—

Long title, page 1—

Delete "and keep them safe from harm" and substitute:
by ensuring that their best interests are paramount, to keep them safe from harm