

Western Australia

## **Child Welfare Amendment Bill 2001**

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### CONTENTS

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1 .	Short title	1
2 .	Commencement	2
3 .	The Act amended	2
4 .	Part I heading inserted	2
5 .	Section 3A inserted	2
6 .	Section 4 amended	2
7 .	Section 10C inserted	3
8 .	Section 66A amended	4
9 .	Sections 67 and 68 inserted	5
10 .	Part VIIIA inserted	9



Western Australia

LEGISLATIVE ASSEMBLY

## **Child Welfare Amendment Bill 2001**

**A Bill for**

**An Act to amend the *Child Welfare Act 1947*.**

The Parliament of Western Australia enacts as follows:

**1. Short title**

This Act may be cited as the *Child Welfare Amendment Act 2001*.

**2. Commencement**

This Act comes into operation on the day on which it receives the Royal Assent.

**3. The Act amended**

5 The amendments in this Act are to the *Child Welfare Act 1947*\*.

[\* *Reprinted as at 12 July 1995.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 61.]*

**4. Part I heading inserted**

10 Before section 1 the following heading is inserted —

“ **Part I — Preliminary** ”.

**5. Section 3A inserted**

After section 3 the following section is inserted —

“

15 **3A. Principle — interests of child paramount**

In performing a function or exercising a power under this Act in relation to a child, a person or the court shall regard the best interests of the child as the paramount consideration.

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”.

**6. Section 4 amended**

Section 4(1) is amended by deleting the definitions of “near relative” and “parent” and inserting the following definitions instead —

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“

“**near relative**”, in relation to a child, means parent, brother, sister or grandparent of the child;

“parent”, in relation to a child, means father, mother, stepfather or stepmother of the child;

”.

7. **Section 10C inserted**

5 After section 10B the following section is inserted —

“

**10C. Exchange of information**

(1) In this section —

10 “corresponding authority” means a person or body in another State or a Territory, or another country, that has functions corresponding to those of the Director-General under this Act;

“public authority” means —

- 15 (a) a department of the Public Service;
- (b) a State agency or instrumentality;
- (c) a local government or regional local government; or
- (d) a body, whether corporate or not, or the holder of an office, post or position,
- 20 established or continued for a public purpose under a written law;

“relevant information” means information that, in the opinion of the Director-General, is, or is likely to be, relevant to —

- 25 (a) the health, safety or welfare of a child or class of children; or
- (b) the performance of functions under this Act.

(2) The Director-General may disclose relevant information to a public authority or a corresponding authority.

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**s. 8**

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- (3) The Director-General may request a public authority or a corresponding authority that holds relevant information to disclose the information to the Director-General.
- 5 (4) A public authority may, despite any other written law, comply with a request under subsection (3).
- (5) If information is disclosed, in good faith, under subsection (2) or in compliance with a request under subsection (3) —
- 10 (a) no civil or criminal liability is incurred in respect of the disclosure;
- (b) the disclosure is not to be regarded as a breach of any duty of confidentiality or secrecy imposed by law; and
- 15 (c) the disclosure is not to be regarded as a breach of professional ethics or standards or as unprofessional conduct.

”.

**8. Section 66A amended**

20 After section 66A(2) the following subsection is inserted —

“

- (3) This section does not apply in relation to a State, Territory or country that is a participating State for the purposes of Part VIIIA.

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”.

9. Sections 67 and 68 inserted

After section 66D the following sections are inserted in Part IV —

“

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**67. Warrant to apprehend certain children**

(1) In this section, other than subsection (7) —

“**officer**” means an officer of the Department or a police officer.

(2) If an officer suspects on reasonable grounds that —

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(a) a ward;

(b) a child placed under the control of the Department; or

(c) a child apprehended under section 29(1),

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is absent, or has been taken, without lawful authority, from any situation in which the ward or child has been placed at the requirement of the Director-General or the court, the officer may apply to a magistrate of the court for a warrant to apprehend the ward or child.

20

(3) An application under subsection (2) shall be made in accordance with section 68.

(4) On an application under subsection (2) a magistrate may issue a warrant if the magistrate is satisfied that there are reasonable grounds for the suspicion referred to that in subsection.

25

(5) A warrant issued under subsection (4) authorises an officer —

(a) to enter, at any time, any place where the officer reasonably suspects the ward or child to be;

- 5
- (b) to search the place for the purpose of finding the ward or child;
  - (c) to remain at the place for as long as the officer considers reasonably necessary to find the ward or child; and
  - (d) if the ward or child is found, to apprehend the ward or child and take the ward or child to such place as the Director-General directs.
- 10
- (6) When executing a warrant issued under subsection (4), an officer —
- (a) may use reasonable force and assistance; and
  - (b) shall produce the warrant if asked to do so by a person at the place where the warrant is, or is to be, executed.
- 15
- (7) An officer of the Department who is executing a warrant issued under subsection (4) may be accompanied by a police officer.

**68. Applying for warrant**

- 20
- (1) In this section —
- “**remote communication**” means any way of communicating at a distance including by telephone, fax, email and radio.
- (2) This section applies to and in respect of an application under section 67(2).
- 25
- (3) The application shall be made, and any information in support of it shall be given, on oath.
- (4) The application shall be made in person before a magistrate unless —
- (a) the warrant is needed urgently; and



- (b) the applicant reasonably suspects that a magistrate is not known to be available within a reasonable distance of the applicant,

in which case it may be made to a magistrate by remote communication.

5

- (5) If the application is made by remote communication —

- (a) the applicant shall prepare a written application and if practicable send it to the magistrate;

10

- (b) if it is not practicable to send the written application to the magistrate, the applicant may make the application orally;

- (c) if it is not reasonably practicable to comply with subsection (3), the applicant may make the application, and give any information in support of it, in unsworn form; and

15

- (d) the magistrate shall not grant the application unless satisfied that there are grounds under subsection (4) for the application not to be made in person.

20

- (6) If the application is made orally under subsection (5)(b), the magistrate shall complete a written application.

- (7) If information in support of the application is given orally, the magistrate shall make a record of it.

25

- (8) If —

- (a) the applicant gives the magistrate unsworn information under subsection (5)(c); and

- (b) the magistrate issues a warrant,

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the applicant shall send the magistrate an affidavit containing the information as soon as practicable after the warrant is issued.

**s. 9**

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- 5
- (9) If the application is not made in person and the magistrate issues a warrant, then —
- (a) if it is reasonably practicable to send a copy of the warrant to the applicant by remote communication, the magistrate shall immediately do so; or
- (b) if it is not reasonably practicable to so send a copy of the warrant —
- 10
- (i) the magistrate shall immediately give the applicant by remote communication any information that is required to be set out in the warrant;
- (ii) the applicant shall complete a form of the warrant with the information given by the magistrate;
- 15
- (iii) the applicant shall give the magistrate a copy of the completed form as soon as practicable after the warrant is issued; and
- 20
- (iv) the magistrate shall attach the copy of the completed form to the original warrant issued by the magistrate and any affidavit received from the applicant in support of the application, and make them available for collection by the applicant.
- 25
- (10) If a copy of a warrant is received by remote communication under subsection (9)(a) or a form of warrant is completed in accordance with subsection (9)(b)(ii) it has the same effect as the original warrant issued by the magistrate.
- 30

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10. **Part VIIIA inserted**

After Part VIII the following Part is inserted —

“

**Part VIIIA — Transfer of child protection orders and proceedings**

**Division 1 — Preliminary**

**120A. Purpose of Part**

The purpose of this Part is to provide for the transfer of child protection orders and proceedings between this State and another State —

- (a) so that children who are in need of protection may be protected despite moving from one jurisdiction to another; and
- (b) so as to facilitate the timely and expeditious determination of court proceedings relating to the protection of a child.

**120B. Interpretation**

(1) In this Part, unless the contrary intention appears —

“**child protection order**”, in relation to a child, means a final order made under a child welfare law in respect of the child that gives —

- (a) a Minister of the Crown in right of a State;
- (b) a government department or statutory authority;
- (c) a person who is the chief executive officer (however described) of a government department or statutory authority or otherwise holds an office or position in, or is employed in, a government department or statutory authority; or

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5 (d) an organisation or the chief executive officer  
(however described) of an organisation,  
responsibility in relation to the guardianship,  
custody or supervision of the child, however that  
responsibility is described;

**“child protection proceeding”** means a proceeding  
brought in a court under a child welfare law for —

- 10 (a) the making of a finding that a child is in need  
of protection or any other finding (however  
described) the making of which is a  
prerequisite under the child welfare law to  
the exercise by the court of a power to make  
a child protection order; or
- 15 (b) the making of a child protection order or an  
interim order or for the variation or  
revocation, or the extension of the period, of  
such an order;

**“child welfare law”** means —

- 20 (a) Part IV;
- (b) a law of another State that, under an order in  
force under subsection (2), is declared to be a  
child welfare law for the purposes of this  
Part; or
- 25 (c) a law of another State that substantially  
corresponds to Part IV;

**“Children’s Court”**, in relation to another State,  
means the court with jurisdiction to hear and  
determine a child protection proceeding at first  
instance;

30 **“clerk of the court”** means —

- (a) in relation to an application made to the  
court, the clerk of the court at the place  
where the application was made;

- 5
- (b) in relation to a document filed in the court, the clerk of the court at the place where the document was filed; and
  - (c) in relation to the revocation by the court of the registration of an order, the clerk of the court at the place where the registration was revoked;

**“home order”** means —

- 10
- (a) an order made under section 30; or
  - (b) an order taken, by operation of section 120U(1), to be an order made under section 30;

**“interim order”** means —

- 15
- (a) an order made under section 120P; or
  - (b) an equivalent order made under an interstate law;

**“interstate law”** means —

- 20
- (a) a law of another State that, under an order in force under subsection (3), is declared to be an interstate law for the purposes of this Part; or
  - (b) a law of another State that substantially corresponds to this Part;

25 **“interstate officer”**, in relation to another State, means —

- 30
- (a) the person holding the office or position to which there is given by or under the child welfare law of that State principal responsibility for the protection of children in that State; or
  - (b) the holder of an office or position that, under an order in force under subsection (4), is declared to be an office or position the

holder of which is the interstate officer in relation to that State for the purposes of this Part;

5           **“participating State”** means a State in which an interstate law is in force;

**“sending State”** means the State from which a child protection order or proceeding is transferred under this Part or an interstate law;

10           **“State”** means —

- (a) a State or a Territory; or
- (b) New Zealand;

**“working day”** means —

- (a) in relation to a court, a day on which the offices of the court are open; and
- 15           (b) in relation to the Director-General, a day on which the principal office of the Department is open.

20           (2) The Minister may, by order published in the *Gazette*, declare a law of another State to be a child welfare law for the purposes of this Part if satisfied that the law substantially corresponds to Part IV.

25           (3) The Minister may, by order published in the *Gazette*, declare a law of another State to be an interstate law for the purposes of this Part if satisfied that the law substantially corresponds to this Part.

30           (4) The Minister may, by order published in the *Gazette*, declare an office or position in another State to be an office or position the holder of which is the interstate officer in relation to that State for the purposes of this Part.

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**Division 2 — Transfer of child protection orders**

**Subdivision 1 — Administrative transfers**

**120C. When Director-General may transfer order**

- 5 (1) The Director-General may transfer a home order to a participating State if —
- (a) in his or her opinion a child protection order to the same or a similar effect as the home order could be made under the child welfare law of that State;
- 10 (b) the home order is not subject to an appeal and the time for instituting an appeal has expired; and
- (c) the relevant interstate officer has consented in writing to the transfer and to the proposed terms of the order to be transferred (the **“proposed interstate order”**).
- 15
- (2) The Director-General may include in the proposed interstate order any conditions that could be included in a child protection order of that type made in the relevant participating State.
- 20
- (3) In determining whether a child protection order to the same or a similar effect as the home order could be made under the child welfare law of a participating State, the Director-General shall not take into account the period for which it is possible to make such an order in that State.
- 25
- (4) The Director-General shall determine, and specify in the proposed interstate order, the period for which it is to remain in force.

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- (5) The period is to be the lesser of —
- (a) the period for which the home order would have remained in force if it were not transferred to the relevant participating State; and
  - (b) the maximum period for which a child protection order of that type made in the relevant participating State could remain in force.

**120D. Director-General to have regard to certain matters**

In determining whether to transfer a home order to a participating State, the Director-General shall have regard to —

- (a) whether the Director-General or an interstate officer is in the better position to exercise powers and responsibilities under a child protection order relating to the child; and
- (b) the desirability of a child protection order being an order under the child welfare law of the State where the child resides.

**120E. Notification of decision to transfer**

- (1) If the Director-General has decided to transfer a home order to a participating State, the Director-General shall cause notice of the decision to be given to —

- (a) the child if the child has reached 10 years of age unless the Director-General considers that the child is not sufficiently mature to understand the transfer and its consequences;
- (b) the child's parents; and
- (c) any other person considered by the Director-General to have a direct interest in the care, welfare or development of the child,

as soon as practicable but in any event no later than 3 working days after the decision was made.



- 5
- (2) A notice under subsection (1) is to —
- (a) state the date of the decision; and
  - (b) state that a person who wishes to apply to the Supreme Court for judicial review of the decision shall institute the proceeding, and give written notice of it to the Director-General, within 21 working days after the date of the decision.
- 10
- (3) Notice is not required to be given to a person under subsection (1) if it cannot be given after all reasonable efforts.

**120F. Limited period for review of decision**

- 15
- (1) A proceeding in the Supreme Court for judicial review of a decision of the Director-General to transfer a home order to a participating State shall be instituted, and written notice of it shall be given to the Director-General, within 21 working days after the date of the decision.
- 20
- (2) The Supreme Court cannot extend the time fixed by subsection (1).
- (3) Subject to subsections (1) and (2), a proceeding referred to in subsection (1) shall be brought in accordance with the Supreme Court's rules of court.
- 25
- (4) The institution of a proceeding referred to in subsection (1) and the giving of written notice of it to the Director-General stays the operation of the decision pending the determination of the proceeding.

**Subdivision 2 — Judicial transfers**

**120G. When court may transfer order**

The court may make an order transferring a home order to a participating State if —

- 5
- (a) an application for the making of the order is made by the Director-General;
  - (b) the home order is not subject to an appeal and the time for instituting an appeal has expired; and
  - 10 (c) the relevant interstate officer has consented in writing to the transfer and to the proposed terms of the order to be transferred.

**120H. Service of application**

15 The Director-General shall, as soon as possible after making an application referred to in section 120G(a), cause a copy of it to be given to —

- (a) any person who was a party to the proceedings in which the home order to be transferred was made; and
- 20 (b) any other person considered by the Director-General to have a direct interest in the care, welfare or development of the child.

**120I. Court to have regard to certain matters**

25 In determining what order to make on an application under this Subdivision the court shall have regard to —

- (a) whether the Director-General or an interstate officer is in the better position to exercise powers and responsibilities under a child protection order relating to the child; and

- (b) the desirability of a child protection order being an order under the child welfare law of the State where the child resides.

**120J. Type of order**

- 5 (1) If the court determines to transfer a home order to a participating State, the proposed terms of the order to be transferred (the “**proposed interstate order**”) shall be terms that could be the terms of a child protection order made under the child welfare law of the  
10 participating State and that the court believes to be —
  - (a) to the same or a similar effect as the terms of the home order; or
  - (b) otherwise in the best interests of the child.
- 15 (2) The court may include in the proposed interstate order any conditions that could be included in a child protection order of that type made in the relevant participating State.
- 20 (3) In determining whether an order to the same or a similar effect as the home order could be made under the child welfare law of a participating State, the court shall not take into account the period for which it is possible to make such an order in that State.
- 25 (4) The court shall determine, and specify in the proposed interstate order, the period for which it is to remain in force.
- (5) The period shall not be longer than the maximum period for which a child protection order of that type made in the relevant participating State could remain in force.

**120K. Court shall consider report from the Director-General**

5 The court shall not make an order under section 120G in relation to a child unless it has received and considered a report from the Director-General regarding the child.

**120L. Appeals**

- 10 (1) A party to an application for an order under section 120G may appeal to the Supreme Court, on a question of law, from a final order made in that proceeding transferring, or refusing to transfer, a home order to a participating State.
- (2) An appeal under subsection (1) —
- 15 (a) shall be instituted, and (except where instituted by the Director-General) written notice of it shall be given to the Director-General, within 10 working days after the day on which the order appealed from was made; and
- (b) operates as a stay of the order.
- 20 (3) The Supreme Court cannot extend the time fixed by subsection (2)(a).
- (4) Subject to subsections (2) and (3), an appeal under subsection (1) shall be brought in accordance with the Supreme Court's rules of court.
- 25 (5) The Supreme Court shall hear and determine the appeal as expeditiously as possible.
- (6) Pending the determination of the appeal, the Supreme Court may make any order that the court can make under section 29(3aa).

- 5
- (7) On determining the appeal, the Supreme Court may make such order as it thinks appropriate, including an order remitting the case for rehearing to the court with or without any direction in law.
  - (8) An order made by the Supreme Court on an appeal under subsection (1), other than an order remitting the case for rehearing to the court, may be enforced as an order of the Supreme Court.

**Division 3 — Transfer of child protection proceedings**

10 **120M. When court may make order under this Division**

- 15
- (1) The court may make an order transferring a child protection proceeding pending in the court to the Children’s Court in a participating State if —
    - (a) an application for the making of the order is made by the Director-General; and
    - (b) the relevant interstate officer has consented in writing to the transfer.
  - (2) The proceeding is discontinued in the court on the registration in the Children’s Court in the participating State in accordance with the interstate law of an order referred to in subsection (1).
- 20

**120N. Service of application**

25 The Director-General shall, as soon as possible after making an application referred to in section 120M(1)(a), cause a copy of it to be given to —

- (a) each party to the child protection proceeding the subject of the application; and
- (b) any other person considered by the Director-General to have a direct interest in the care, welfare or development of the child.

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**1200. Court to have regard to certain matters**

(1) In determining whether to make an order under section 120M(1) the court shall have regard to —

- 5 (a) whether any other proceedings relating to the child are pending, or have previously been heard and determined, under the child welfare law in the participating State;
- (b) the place where any of the matters giving rise to the proceeding in the court arose;
- 10 (c) the place of residence, or likely place of residence, of the child, the child's parents and any other people who are significant to the child;
- (d) whether the Director-General or an interstate officer is in the better position to exercise powers and responsibilities under a child protection order relating to the child;
- 15 (e) the desirability of a child protection order being an order under the child welfare law of the State where the child resides; and
- 20 (f) any information given to the court under subsection (2).

(2) If the Director-General is aware that —

- 25 (a) a sentence or order imposed under the *Sentencing Act 1995* or the *Young Offenders Act 1994*, other than a fine, is in force in respect of the child who is the subject of the proceeding to which an application referred to in section 120M(1)(a) relates; or
- 30 (b) a criminal proceeding is pending against that child in any court,

the Director-General shall, as soon as possible, inform the court of that fact and of the details of the sentence, order or pending criminal proceeding.

**120P. Interim order**

- (1) If the court makes an order under section 120M(1), the court may also make an interim order.
- (2) An interim order —
- 5           (a) may place the child in the care of any person, subject to any conditions that the court considers to be appropriate; and
- 10           (b) may give responsibility for the supervision of the child to the interstate officer in the participating State or any other person in that State to whom responsibility for the supervision of a child could be given under the child welfare law of that State.
- (3) An interim order remains in force for the period (not exceeding 30 days) specified in the order.
- 15           (4) The Children’s Court in the participating State may vary or revoke, or extend the period of, an interim order in accordance with the relevant interstate law.

**120Q. Appeals**

- 20           (1) A party to an application for an order under section 120M(1) may appeal to the Supreme Court, on a question of law, from a final order made in that proceeding transferring, or refusing to transfer, a child protection proceeding to a participating State.
- 25           (2) An appeal under subsection (1) —
- 30           (a) shall be instituted, and (except where instituted by the Director-General) written notice of it shall be given to the Director-General, within 10 working days after the day on which the order appealed from was made; and

**s. 10**

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- (b) operates as a stay of the order but not of any interim order made at the same time as the order.
- 5 (3) The Supreme Court cannot extend the time fixed by subsection (2)(a).
- (4) Subject to subsections (2) and (3), an appeal under subsection (1) shall be brought in accordance with the Supreme Court's rules of court.
- 10 (5) The Supreme Court shall hear and determine the appeal as expeditiously as possible.
- (6) On determining the appeal, the Supreme Court may make such order as it thinks appropriate, including an order remitting the case for rehearing to the court with or without any direction in law.
- 15 (7) An order made by the Supreme Court on an appeal under subsection (1), other than an order remitting the case for rehearing to the court, may be enforced as an order of the Supreme Court.
- 20 (8) The Supreme Court may —
- (a) if an interim order was made at the same time as the order appealed from, make an order —
- (i) staying the operation of the interim order;
- (ii) varying or revoking the interim order; or
- 25 (iii) extending the period of the interim order;
- and
- (b) make any order pending the determination of the appeal that the court can make under
- 30 section 29(3aa).



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**Division 4 — Registration**

**120R. Filing of interstate orders in the court**

- 5 (1) Subject to subsection (3), the Director-General shall, as soon as possible, file in the court a copy of a child protection order transferred to this State under an interstate law.
- 10 (2) Subject to subsection (3), the Director-General shall, as soon as possible, file in the court a copy of an order under an interstate law to transfer a child protection proceeding to this State, together with a copy of any interim order made at the same time.
- 15 (3) The Director-General shall not file in the court a copy of a child protection order or of an order to transfer a child protection proceeding if, under the interstate law —
- 20 (a) the decision or order to transfer the child protection order or the order to transfer the child protection proceeding (as the case requires) is subject to appeal or review or a stay; or
- (b) the time for instituting an appeal or seeking a review has not expired.

**120S. Registration of interstate orders**

25 If the Director-General files a copy of an order in the court under section 120R, the clerk of the court shall register the order.

**120T. Notification by clerk of court**

The clerk of the court shall immediately notify the appropriate officer of the Children’s Court in the

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sending State and the interstate officer in that State  
of —

- (a) the registration of an order under section 120S;  
or
- 5 (b) the revocation under section 120V of the  
registration of an order.

**120U. Effect of registration**

- 10 (1) A child protection order registered in the court under  
section 120S is to be taken for all purposes (except for  
the purposes of appeal) to be an order made by the  
court under section 30 on the day on which the order is  
registered, and the provisions of Part IV apply  
accordingly.
- 15 (2) An interim order registered in the court under  
section 120S is to be taken for all purposes (except for  
the purposes of appeal) to be an order made by the  
court under section 29(3aa) on the day on which the  
order is registered, and the provisions of Part IV apply  
accordingly.
- 20 (3) If an order under an interstate law to transfer a child  
protection proceeding to this State is registered under  
section 120S, the proceeding is to be taken to have  
been commenced in the court, under Part IV, on the  
day on which the order is registered.

25 **120V. Revocation of registration**

- (1) An application for the revocation of the registration of  
an order under section 120S may be made to the court  
by —
  - 30 (a) the Director-General;
  - (b) the child concerned;
  - (c) a parent of the child concerned; or

- 
- (d) a party to the proceeding in the Children's Court in the sending State in which the decision to transfer the order or proceeding (as the case requires) was made.
- 5 (2) The clerk of the court shall cause a copy of an application made under subsection (1) to be given as soon as possible to —
- (a) the relevant interstate officer; and
- 10 (b) any person by whom the application could have been made.
- (3) The court may only revoke the registration of an order if satisfied that it was inappropriately registered because, under the interstate law —
- 15 (a) the decision or order to transfer the child protection order or the order to transfer the child protection proceeding (as the case requires) was at the time of registration subject to appeal or review or a stay; or
- 20 (b) the time for instituting an appeal or seeking a review had not expired.
- (4) If the registration of an order is revoked, the clerk of the court shall cause the copy of the order to be sent to the Children's Court in the sending State.
- 25 (5) The revocation of the registration of an order does not prevent the later re-registration of that order.

**Division 5 — Miscellaneous**

**120W. Effect of registration of transferred order**

- (1) In this section —
- 30 **“transferred order”** means a child protection order transferred to a participating State under section 120C(1) or 120G.

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- 5
- (2) A home order ceases to have effect on the registration of the transferred order under an interstate law of the participating State.
- (3) A home order that has ceased to have effect under subsection (2) is revived if the registration of the transferred order is revoked under an interstate law of the participating State.
- 10
- (4) The period for which a home order is revived is the balance of the period for which it would have remained in force but for the registration of the transferred order.

**120X. Transfer of court file**

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The clerk of the court shall cause all documents filed in the court in connection with a child protection proceeding, and an extract from any part of the register that relates to a child protection proceeding, to be sent to the Children's Court in a participating State if, under this Part —

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- (a) the child protection order or proceeding is transferred to the participating State;
- (b) the decision or order to transfer the child protection order or the order to transfer the child protection proceeding (as the case requires) is not subject to appeal or review or a stay; and
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- (c) the time for instituting an appeal or seeking a review has expired.

**120Y. Hearing and determination of transferred proceeding**

In hearing and determining a child protection proceeding transferred to the court under an interstate law, the court —

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(a) is not bound by any finding of fact made in the proceeding in the Children’s Court in the sending State before its transfer; and

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(b) may have regard to the transcript of, or any evidence adduced in, the proceeding referred to in paragraph (a).

**120Z. Disclosure of information**

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(1) Despite anything to the contrary in this Act, the Director-General may disclose to an interstate officer any information that has come to his or her notice in the performance of duties or exercise of powers under this Act if the Director-General considers that it is necessary to do so to enable the interstate officer to perform duties or exercise powers under a child welfare law or an interstate law.

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(2) Any information disclosed to the Director-General under a provision of a child welfare law or an interstate law that substantially corresponds to subsection (1) is to be taken for the purposes of any provision of this Act relating to the disclosure of information to have been information given directly to the Director-General instead of to an interstate officer.

**120ZA. Discretion of Director-General to consent to transfer**

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(1) If, under an interstate law, there is a proposal to transfer a child protection order to this State, the Director-General may consent or refuse to consent to the transfer and the proposed terms of the child protection order to be transferred.

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- (2) If, under an interstate law, there is a proposal to transfer a child protection proceeding to the court, the Director-General may consent or refuse to consent to the transfer.

5       **120ZB. Evidence of consent of relevant interstate officer**

A document or copy of a document —

- (a) purporting to be the written consent of the relevant interstate officer to —

- 10                   (i) the transfer of a child protection order to a participating State and to the proposed terms of the child protection order to be transferred; or
- 15                   (ii) the transfer of a child protection proceeding pending in the court to the Children’s Court in a participating State;

and

- (b) purporting to be signed by the relevant interstate officer or his or her delegate,

20       is admissible in evidence in any proceeding under this Part and, in the absence of evidence to the contrary, is proof that consent in the terms appearing in the document was duly given by the relevant interstate officer.

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