

South Australia

# **Children's Protection (Harbouring) Amendment Bill 2008**

A BILL FOR

An Act to amend the *Children's Protection Act 1993*.

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## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

This Act may be cited as the *Children's Protection (Harbouring) Amendment Act 2008*.

#### 5 2—Commencement

This Act will come into operation 1 month after the day on which it is assented to by the Governor.

#### 3—Amendment provisions

10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

### Part 2—Amendment of *Children's Protection Act 1993*

#### 4—Insertion of section 17

After section 16 insert:

#### 17—Power to prevent harbouring of children

- 15 (1) If—
- (a) a child is residing with a person who is not the child's guardian; and
  - (b) an officer believes that the child's guardian does not know of, or has not consented to, the child's residence with the person,
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the officer may, by notice in writing to the person (a *child protection notice*), require the person to satisfy the Chief Executive, within a period specified in the notice, that the guardian of the child has consented to the child's residence with the person.

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- (2) If a person to whom a child protection notice has been issued fails to satisfy the Chief Executive, within the period specified in the notice, that the guardian of the child has consented to the child's residence with the person, the Chief Executive may, by notice in writing to the person (a *child harbouring notice*), require the person to cease residing with the child within a period specified in the notice.
- (3) If the person on whom a child harbouring notice has been served fails to comply with the requirements of the notice, within the period specified in the notice—
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- (a) the child will, if residing with the person, be taken to be in a situation of serious danger from which an officer is authorised to remove him or her under section 16(1); and
- (b) the person is guilty of an offence.
- Maximum penalty: \$10 000.
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- (4) A notice under this section must be served personally on the person to whom the notice is directed.
- (5) However, if personal service cannot be effected promptly, it will be sufficient service for the notice—
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- (a) to be left for the person with someone apparently over the age of 18 years; or
- (b) to be posted in an envelope addressed to the person, at the person's address.