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HIGH COURT OF AUSTRALIA

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Details of Filing

File Number: S96/2025
File Title: Burton v. The King
Registry: Sydney
Document filed: AMENDED Form 23 - Application for special leave to appeal
Filing party: Applicant
Date filed: 10 Jul 2025

Important Information

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Form 23 – Application for leave or special leave to appeal

Note: see rule 41.01.1.

S96/2025

IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

BETWEEN:

PAUL BURTON
Applicant

and

THE KING
Respondent

AMENDED APPLICATION FOR SPECIAL LEAVE TO APPEAL

10 The Applicant applies for special leave to appeal from part of the judgment of the Court of
20 Criminal Appeal NSW given on 10 June 2025 in *Burton v R; Katelaris v R*[2025]
NSWCCA 89.

Special considerations or circumstances

The Applicant is a permanent resident. His criminal conviction (despite only receiving a
\$1000 fine) and/or his appeals are impacting his application to Home Affairs for a resident
return visa. That application could not be made until after his trial and has currently been
under further assessment for around 5 months when 50% of such applications are managed
within one day, 90% of such applications are completed well within three months, and no
30 reasons for the delay have been provided by Home Affairs other than further information
being requested and provided relating to the Applicants current criminal conviction and his
appeals.

Part I: Proposed grounds of appeal and the orders that will be sought

1. The Proposed grounds of appeal are:

- (1) The Court of Criminal Appeal erred in law by not finding that the
indictment in its original form was invalid.

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- (2) The Court of Criminal Appeal erred in law by not providing adequate reasons in response to the unrepresented Applicants argument that the indictment in its original form was invalid.
- (3) The Court of Criminal Appeal erred in law by giving no weight to the existence of two different versions of the indictment, one for the court and another for the jury.
- (4) The Court of Criminal Appeal erred in law by referencing a version of Section 105 that was not in force at the time of the alleged offences.
- (5) The Court of Criminal Appeal erred in law by failing to take into account the evidence in the lower court that the highly compromised indigenous child in question was removed on grounds that were known at the time of the removal to be false.
- (6) The Court of Criminal Appeal erred in law by failing to give adequate weight to the Appeal owing to the “*simple nature of the offence*”, that the Applicant was unrepresented through necessity not choice, and failing to consider the potential impacts of a criminal conviction.

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2. **The proposed orders are:**

- (1) The appeal is allowed and that this matter receives the important attention of the High Court of Australia.
- (2) That the criminal convictions for each of the four offences be quashed.
- (3) That the High Court of Australia consider granting leave to hear about the removal of this child directly from the parents.
- (4) The First Respondent pays the costs of the Applicant.
- (5) Any other reasonable orders the Court deems fit to make.

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Part II: Special Leave Questions

3. The construction, content and purpose of an indictment has been found through well established caselaw to be “*the most fundamental of the procedures that attend a criminal trial for an indictable offence*” (*R v Darko Janceski [2005] NSWCCA at 281*) and includes grounding jurisdiction to the Court, informing both the Court and the accused of the exact charge, and that it must contain all the necessary elements of the offence or at the very least they must be able to be implied into the indictment, therefore:

10 i) Could the original indictment convey jurisdiction to the court if it was found to be missing an essential element that could not be implied into the indictment?

ii) Can the Court of Criminal Appeal rely on an argument from the Crown and not answer an Applicants argument as to why an indictment in its original form was invalid and not provide him with adequate reasons?

20 iii) Can the Court of Criminal Appeal make a decision in regards to an indictment contrary to established caselaw in both its own Court of Criminal Appeal and the High Court of Australia without explaining to an unrepresented Applicant the reasons why his argument and those authorities do not apply?

iv) Could the original indictment be permitted at law to become two different indictments, one for the court and another for the jury?

v) Is it acceptable to charge someone on indictment under the section of an Act that identifies the possible penalties for a variety of offences but not the actual specific offence itself?

30 4. Can the Court of Criminal Appeal make reference to legislation that was not in force at the time of the Applicants alleged offending (namely section 105 (1AA)) and how does this give the Applicant or any reasonable person properly informed confidence in both the Crown and the Judiciary?

5. Is it acceptable for the Judge to remove defences from an Applicant in a jury trial when the evidence adduced has shown that the child was removed on known false grounds, and that this was known by both the Applicant and the Department at the time of the removal and was fundamental to the Applicants defences?
6. Is it acceptable for the Court of Criminal Appeal to not mention in their judgment that the child was removed on known false grounds and that no action by the Applicant impacted the child's privacy, identity, or caused the child any stigma (the purpose of section 105), and that this was in evidence in the lower court and formed the foundation for the Applicants right to defences and part of his appeal?
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7. Is it acceptable for the Court of Criminal Appeal to treat this matter differently at Law owing to "*the simple nature of the offence*"?
8. Is it acceptable for the Court of Criminal Appeal to give a case before them less weight owing to an Applicant being unrepresented?
9. Section 35A of the Judiciary Act 1903 outlines the criteria for granting special leave to appeal. As the Applicant's Appeal raises questions of law the questions become:
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 - i) Is this matter of public importance when it concerns the construction, content and purpose of the founding document (an indictment) on which a criminal charge is brought before the court?
 - ii) Is the matter of public importance when it concerns the right of an unrepresented individual to have equal and fair access to the courts when he is unable to obtain counsel because he does not have the substantive amounts of money required.
 - 30 iii) Is the matter of public importance when it concerns the right of an unrepresented individual to use lawful defences before a jury?

iv) Is the matter of public importance when those defences include that the child was a highly compromised indigenous child who was removed on grounds that were known at the time of the removal to be false?

v) As the Court of Criminal Appeal has found that the indictment was not invalid in its original form and provided inadequate reasons as to why the Applicants argument was not correct, and as the Court of Criminal Appeal has omitted that the child was removed on known false grounds and that this was essential to the Applicants defences, should the High Court of Australia as the final appellate Court grant this request for special leave and help to resolve these important issues?

vi) Does the administration of justice either generally or in this specific case require consideration by the High Court of the judgment to which the application relates when it involves such important issues concerning the administration of justice both generally and specifically?

10. As the Applicant has stated on many occasions, he considers the position of Judges as one of, if not the most important positions in our society, as it is the Judges who stand impartially and without bias between the government and the people. It is in them whom we the people trust to serve the public, maintain the separation of powers doctrine and to ensure the proper conduct of our representative democracy and the rule of law.

Matters that involve the unlawful removal of children by the State.

Matters that involve the construction, content and purpose of indictments.

Matters that involve the right to defences before a jury.

Matters that involve the improper use of the law.

Matters that involve the unconsidered implications of a criminal conviction.

Matters that involve fairness & equal access to justice by unrepresented individuals.

Are all matters of significant public interest concerning the administration of justice and the Applicant is of the view that this requires serious consideration by The High Court of Australia and that this appeal should be granted.

Part III: Brief statement of argument

11. **Brief Background**

The Applicant witnessed the Department of Family and Community Services and the NSW Police forcefully remove a four year old first nations child with significant disabilities from the care of his loving parents. The Applicant was the family's Pastor and he was pepper sprayed battered and assaulted during the forced removal. The Applicant prior to the removal made arrangements for an ambulance and for the child to be taken to hospital through a verbal agreement with FACS and the NSW Police to not separate the child from his parents. The mother and child travelled together in an ambulance to the hospital but the child was eventually forcibly and violently removed at the hospital in the emergency department with the assistance of a total of around 32 armed police and two FACS representatives. This happened despite the medical evidence provided by the doctors disproving the allegations by FACS that the child was suffering from critically low levels of potassium consistent with malnutrition and that the child was as a consequence not at risk of significant harm. The information used on the original removal paperwork was false, the child and family had attended the hospital only two days prior to his removal and the child had been seen and checked by medical professionals and FACS had been notified of this. After the forced removal the Applicant, who was deeply concerned for the welfare of the child (noting again he was the child's Pastor and Advocate (*see SECT 9 and 9A of the governing Act*)), made every attempt he could to try to locate the child but the child was hidden by the Department in the hospital under a false identity and nobody would provide the Applicant any information. It was found during the course of the trial that the Applicant had even gone to the children's court directly seeking information about the child's wellbeing but had been ordered to not enter the court. The Applicant as a last resort responded to demands via email from FACS to remove a few posts on Facebook that identified the child by inviting them to "*charge him if they could find something to charge him with*" whilst at the same time removing the alleged offending posts once he was able to identify them. He did this in a desperate attempt to get before the courts (having no other option) with the belief that a competent court of law, responding to the unlawful removal of a child, would immediately restore the child to the family. At that time around July 2017 the alleged offending four posts on Facebook were visible for only 3 to 10 days, meanwhile thousands of other people were posting on social media and multi-

national media corporations including Channel 7 were all breaching section 105 in exactly the same terms as needed to be proved against the Applicant by the Crown. Channel 7 were even contacted and refused to comply with FACS and no action was taken against them when after the beginning of children's court proceedings they released a national broadcast on television about the child.

12. **The Indictment**

10 The Applicant was originally charged for four offences under section 105(2) of the Children And Young Persons (Care and Protection) Act 1998 involving either publishing or broadcasting the name of a child. The indictment before the Court was particularised to include the section of the Act.

For example:

On the 4th July 2017, at Newcastle, in the State of New South Wales, did publish the name of a child, CWS, with respect to whom proceedings have been brought before the Childrens Court of NSW

S 105(2) Children and Young Persons (Care and Protection) Act 1998 law part code 37753

20 The Crown argued that it need only prove three things in the indictment
“1) *The name of a child*
2) *That the child is a person with respect to whom proceedings are before the Children's Court or it is reasonably likely they will be before the Children's Court;*
3) *Must not be published or broadcast in any form accessible to a person in NSW*”

30 Around the 9th of Nov 2024 only a few days before the end of the Applicants trial he provided a submission to the District Court that the indictment could convey no jurisdiction to the court and that the arraignment was irregular. (VD7 1319-1323)
It was found by Her Honour Judge Harris that the indictment was defective and so the Indictment before the court was amended and the Applicant re-arraigned, and the amended indictment included the addition of the words: “*in a form accessible by a person in NSW*”.

Her Honour Judge Harris provided reasons for her decision after the trial had concluded but never answered the Applicants argument as presented to the District Court, nor did she provide any reasons or explanation as to why the Applicant's argument was not valid only why her argument was, in her view, valid.

A similar thing has also occurred with the Court of Criminal Appeal who appear to have fallen into the same error as Her Honour Judge Harris by taking the position that the indictment was defective but not incurably so.

10 However in both instances the Courts have provided no reasons as to why the Applicants argument was not correct but in the alternative have taken a position that because the prosecution had proved their case at trial and the matter in their view was of a "*simple nature*", that they would find in favour of the Crown and not answer the Applicant or provide him adequate reasons in response to his core argument.

20 Providing adequate reasons is essential in law, (*Osmond v Public Service Board of NSW & Soulemezis v Dudley Holdings*) and the courts have generally taken a position of providing even greater detail in their decisions when dealing with unrepresented individuals.

Put in its most simplistic form it is not possible to imply into the original indictment that something could have been published or broadcast "*in a form accessible by a person in NSW*" because one can publish or broadcast anywhere in the world and it not be accessible by a person in NSW.

30 Her Honour in the District Court recognised the Applicant was correct at law however Her Honour erred in that according to well established caselaw in both the Criminal Court of Appeal and The High Court of Australia, it was an incurable defect. (*see the Applicants CCA Full Sealed Notice of Appeal & (VD7 1319-1323)*) The Court of Criminal Appeal have also fallen into the same error.
"*there could have been no misunderstanding as to the basis upon which the Crown asserted that the offences were committed.*"

This was not the argument before the court, the argument was that the original indictment was invalid because it did not disclose an offence known to the law and as a consequence was incurably defective, it matters not that there was no misunderstanding as to the basis upon which the offences were committed.

(see the Applicants CCA Full Sealed Notice of Appeal Submissions Grounds One and Two)

For example again At 75

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“Having regard to the simple nature of the offence, and what was necessarily required to establish publishing or broadcasting (that is, that it was done in a form accessible by a person in New South Wales), the present was a case where there can have been “no misunderstanding as to the basis upon which the Crown asserted that the offences” were committed:”

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Again this was not the test, what was required to establish an offence was the publishing or broadcast *“in a form accessible by a person in NSW”*. Further to this there was no mention of the mode of publishing or broadcast that was also not in the original indictment, and how could there be no misunderstanding when you could not imply *“in a form accessible by a person in NSW”* and the modes of publishing and broadcast were also not present in the original indictment? For example, “did publish on Facebook”, “did publish on Television,” “did publish in a book”. One can publish or broadcast to anywhere in the world, one can release a book overseas, do an interview with someone in another country, one can broadcast to a specific location overseas or interstate. If there was no concern with the indictment why did Her Honour Judge Harris find the indictment defective in the first place? What exactly was that defect, and why did the section need to be added? This was not answered.

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If the Applicant is not correct then why have the Court of Criminal Appeal not provided adequate reasons and not explained to him why his arguments and the substantive caselaw he referenced incorrect and how the charges as particularised in the original indictment could have possibly disclosed an offence known to the law? How could *“in a form accessible by a person in NSW”* be implied into the original indictment? And if so why was the indictment changed at all?

This issue becomes even more compounded when the charges were brought before the court using section 105(2) when section 105(2) merely lists the possible penalties for breaching section 105 (1) parts (a) to (d). The actual offence it appears was to breach section 105(b) but this was also never identified on the original indictment.

There is no offence in section 105(2) which according to the Court of Criminal Appeal reads *“A person who publishes or broadcasts the name of a child or young person in contravention of subsection (1) or (1AA) is guilty of an offence.”*

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Notwithstanding of course that at the time the Applicant was charged there was no section (1AA) as this was not added to section 105 until around February 2018, the Applicant was charged in late December 2017, and further to this section (1) had subsections (a) to (d) suggesting a number of alternatives.

Then we also have the matter of there being not one but two indictments, one for the court and one for the jury. The jury version omitted the following:

S 105(2) Children and Young Persons (Care and Protection) Act 1998 law part code 37753. According to Judge Harris this was done because she did not want the jury to know the penalty for the offences, so this part of the indictment was not read to the Applicant on arraignment and Her Honour must have known that section 105(2) on its own did not disclose a specific offence but referenced the penalties for a variety of offences namely 105 (1)(a) to (d). Irrespective of this the Applicant asks how can there be two different versions of an indictment, one before the court, and another before the Jury? And how is this acceptable at law?

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13. **The Removal of Defences and the Improper Purpose**

The Court of Criminal Appeal at 12:

“On 19 May 2017, CWS was removed from the care of his parents pursuant to an order made by a delegate of the Secretary of the Department of Family and Community Services (FACS) under s 43(1) of the Act, which was made on the ground that CWS was at immediate risk of harm (because he had critically low levels of potassium consistent with malnutrition). Mr Burton was present at the Ubuntu Wellness Centre when CWS was removed from his parents.”

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CWS was not removed from his parents at the Ubuntu Wellness Clinic this is factually incorrect, he was removed from the parents at the hospital after the Applicant had negotiated with FACS and the NSW Police on behalf of the family to not separate the child from his mother and to arrange for them to travel together to the hospital to be checked again, an agreement that FACS later broke despite them knowing and confirming again at the hospital that the child was not at risk of significant harm. Also most importantly and fundamental to the Applicants defences and quoted from the sentencing judgment of Her Honour Judge Harris:

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“In fact, months later on 10 November 2017, FACS wrote to the child’s mother advising that the reference to low potassium levels on the removal order was “an error and should have been deleted”. A subsequent blood test of 17 May 2017, only two days before the removal of the child, reflected that the child’s potassium levels had returned to normal. The removal of the child from his family on 19 May 2017 was in circumstances involving physical violence and high tension. Mr Burton was at the receiving end of police deployed capsicum spray. He was also instrumental in organising an ambulance so that the child could travel to hospital with his mother.”

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The child in question was removed on grounds that were known at the time to be false and the Applicant was charged for an improper purpose. All of this was presented in evidence at the trial and yet the Judge still removed all the Applicants defences from the jury. The child had technically been abducted, he had disappeared, and he was believed by the Applicant and many other to be at risk of significant harm, not because of the family, but because of the Department.

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In regards to the improper purpose the Court of Criminal Appeal found that the prosecution did not need to prove either the harm to the child or any impact on the child’s privacy (the purpose of section 105) however the Courts have a constitutional obligation to not condone the Director of Public Prosecutions charging and prosecuting people for an improper purpose and misusing the law. The Courts need to understand that parents whose children have been removed are unable to speak out because they are threatened by the Department with not being re-united with their children. The parents want to speak out to expose any improper removal and/or treatment and to prevent harm to their children. For them and others closely connected to children in out-of-home-care, the restrictions imposed by S 105(1) are not a matter of rhetoric. It removes the ability to speak openly, honestly and with candor in public and to be able to hold the executive

culpable for their unlawful actions. It aims to prevent the garnering of public support and raising public awareness for the proper treatment of particular children at significant risk of harm, not because of their parents, but because of the actions of the executive. (*See Re J [2013] EWHC 2694 (fam) (at 28 to 32)*)

Part IV: An order of costs should not be made out in favour of the Respondents because the Applicant has suffered enough having been subjected to the harsh rigours of the judicial system for over 8 years defending himself for simply speaking the truth about an unlawful removal of a child by the executive and trying to protect a highly
10 compromised indigenous child from significant risk of harm due to the failings of FACS, and the Courts limitations to be able to perform the independent functions that they should have in a representative democracy.

Part V: List of Authorities:

John L Pty Ltd v Attorney-General (NSW [1987] HCA 42; (1987) 163 CLR 508
R v Halmi [2005] NSWCCA 2; (2005) 62 NSWLR 263
R v Darko Janceski [2005] NSWCCA 281 at 50,51,79,224
RUSSELL -v- THE STATE OF WESTERN AUSTRALIA [2011] WASCA 246 at 28
Doja v R [2009] NSWCCA 303 at 3,11
20 Ex parte Lovell; Re Buckley (1938) 38 SR (NSW) 153 at 173
Kirk v Industrial Relations Commission; Kirk Group Holdings Pty Ltd v WorkCover Authority of New South Wales (Inspector Childs) [2010] HCA 1 (3 February 2010)
Jago -v- The District Court of New South Wales and Ors 168 C.L.R. 23
Lodhi v The Queen [2006] NSWCCA 121; (2006) 199 FLR 303 at 91
Re J [2013] EWHC 2694 (fam) (at 28 to 32)

Part VI: Relevant Statutes:

The Children And Young Persons (Care & Protection) Act 1998 NSW SECT 9, SECT 9A and SECT 105 Historical version No 157 (see Form 23 Annexure)

30 Dated 10th of July 2025



Paul Burton

To: The Respondent, Solicitor for Public Prosecutions (NSW)

TAKE NOTICE: Before taking any step in the proceedings you must, within **14 DAYS** after service of this application, enter an appearance and serve a copy on the applicant. The applicant is self-represented.

FORM 23 ANNEXURE**PART VI****CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) ACT 1998 – SECT 105****No 157 - Historical Version***SECT 105**Publication of names and identifying information**105 Publication of names and identifying information**(1) The name of a child or young person--*

(a) who appears, or is reasonably likely to appear, as a witness before the Children's Court in any proceedings, or

(a1) who is involved, or is reasonably likely to be involved, in any capacity in any non-court proceedings, or

(b) with respect to whom proceedings before the Children's Court are brought or who is reasonably likely to be the subject of proceedings before the Children's Court, or

(c) who is, or is reasonably likely to be, mentioned or otherwise involved in any proceedings before the Children's Court or in any non-court proceedings, or

(d) who is the subject of a report under section 24, 25, 27, 120, 121 or 122,

must not be published or broadcast in any form that may be accessible by a person in New South Wales whether the publication or broadcast occurs before any proceedings have commenced, during the proceedings or after they are disposed of.

(1A) The prohibition in subsection (1) applies to the publication or broadcast of the name of the child or young person concerned until--

(a) the child or young person attains the age of 25 years, or

(b) the child or young person dies,

whichever occurs first.

(1B) This section applies to the publication or broadcast of a child or young person's name to the public, or a section of the public, by publication in a newspaper or periodical publication, by radio or television broadcast or other electronic broadcast, by the internet, or by any other means of dissemination.

(1C) The publication of information to a website that provides the opportunity for, or facilitates or enables, dissemination of information to the public or a section of the public (whether or not the particular publication results in the dissemination of information to the public or a section of the public) constitutes the publication of information to the public or a section of the public for the purposes of this section.

(2) A person who publishes or broadcasts the name of a child or young person in contravention of subsection (1) ~~or (1A)~~ is guilty of an offence.

: Maximum penalty--200 penalty units or imprisonment for a period not exceeding 2 years, or both, in the case of an individual or 2,000 penalty units in the case of a corporation.

Note : An offence against subsection (2) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation--see section 258.

(3) Subsection (1) does not prohibit--

(a) the publication or broadcasting of an official report of the proceedings of the Children's Court that includes the name of a child or young person the publication or broadcasting of which would otherwise be prohibited by subsection (1), or

(b) the publication or broadcasting of the name of a child or young person--

(i) in the case of a child--with the consent of the Children's Court, or

(ii) in the case of a young person--with the consent of the young person, or

(iii) in the case of a child or young person who is under the parental responsibility of the Minister--with the consent of the Secretary if the Secretary is of the opinion that the publication or broadcasting may be seen to be to the benefit of the child or young person, or

(iv) in any case--if the child or young person has died.

(4) For the purposes of this section, a reference to the name of a child or young person includes a reference to any information, picture or other material--

(a) that identifies the child or young person, or

(b) that is likely to lead to the identification of the child or young person.

(5) The offence created by this section is an offence of strict liability.

(6) This section does not apply in relation to criminal proceedings.

Note : See section 15A of the Children (Criminal Proceedings) Act 1987.

CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) ACT 1998 – SECT 9

Principles for administration of Act

9 Principles for administration of Act

(1) This Act is to be administered under the principle that, in any action or decision concerning a particular child or young person, the safety, welfare and well-being of the child or young person are paramount.

(2) Subject to subsection (1), the other principles to be applied in the administration of this Act are as follows--

(a) Wherever a child or young person is able to form his or her own views on a matter concerning his or her safety, welfare and well-being, he or she must be given an opportunity to express those views freely and those views are to be given due weight in accordance with the developmental capacity of the child or young person and the circumstances.

(b) In all actions and decisions made under this Act (whether by legal or administrative process) that significantly affect a child or young person, account must be taken of the culture, disability, language, religion and sexuality of the child or young person and, if relevant, those with parental responsibility for the child or young person.

(c) In deciding what action it is necessary to take (whether by legal or administrative process) in order to protect a child or young person from harm, the course to be followed must be the least intrusive intervention in the life of the child or young person and his or her family that is consistent with the paramount concern to protect the child or young person from harm and promote the child's or young person's development.

(d) If a child or young person is temporarily or permanently deprived of his or her family environment, or cannot be allowed to remain in that environment in his or her own best interests, the child or young person is entitled to special protection and assistance from the State, and his or her name, identity, language, cultural and religious ties should, as far as possible, be preserved.

(e) If a child or young person is placed in out-of-home care, arrangements should be made, in a timely manner, to ensure the provision of a safe, nurturing, stable and secure environment, recognising the child's or young person's circumstances and that, the younger the age of the child, the greater the need for early decisions to be made in relation to a permanent placement.

(f) If a child or young person is placed in out-of-home care, the child or young person is entitled to a safe, nurturing, stable and secure environment. Unless it is contrary to his or her best interests, and taking into account the wishes of the child or young person, this will include the retention by the child or young person of relationships with people significant to the child or young person, including birth or adoptive parents, siblings, extended family, peers, family friends and community.

(g) If a child or young person is placed in out-of-home care, the permanent placement principles are to guide all actions and decisions made under this Act (whether by legal or administrative process) regarding permanent placement of the child or young person.

CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) ACT 1998 - SECT 9A

Principle of making "active efforts"

9A Principle of making "active efforts"

(1) The Secretary must act in accordance with the principle of active efforts in exercising functions under this Act.

(2) The
"principle of active efforts" means--

(a) in taking action to safeguard or promote the safety, welfare and well-being of a child or young person--making active efforts to prevent the child or young person from entering out-of-home care, and

(b) for a child and young person who has been removed from the child's or young person's parents or family--

(i) making active efforts to restore the child or young person to the child's or young person's parents, or

(ii) for a child or young person for whom it is not practicable or in the child's or young person's best interests to be restored to the child's or young person's parents--to place the child or young person with family, kin or community.

Note--: See the permanent placement principles in section 10A and the placement principles for Aboriginal and Torres Strait Islander children and young persons in section 13.

(3) Under the principle of active efforts, the Secretary must also ensure active efforts are--

(a) timely, and

(b) practicable, thorough and purposeful, and

(c) aimed at addressing the grounds on which the child or young person is considered to be in need of care and protection, and

(d) conducted, to the greatest extent possible, in partnership with the child or young person and the family, kin and community of the child or young person, and

(e) culturally appropriate, and

(f) otherwise in accordance with any requirements prescribed by the regulations.

(4) Without limiting subsections (1)-(3), active efforts include--

(a) providing, facilitating or assisting with access to support services and other resources, and

(b) if appropriate services or resources do not exist or are not available-- considering alternative ways of addressing the relevant needs of the child or young person and the family, kin or community of the child or young person, and

(c) activities directed at finding and contacting the family, kin and community of the child or young person, and

(d) the use of any of the following--

(i) a parent responsibility contract,

(ii) a parent capacity order,

(iii) a temporary care arrangement under Chapter 8, Part 3, Division 1,

(iv) alternative dispute resolution under section 37, and

(e) another matter, activity or action prescribed by the regulations.

(5) To avoid doubt, this section is subject to the requirement under section 9(1) that this Act is to be administered under the principle that, in any action or decision concerning a particular child or young person, the safety, welfare and well-being of the child or young person are paramount.