



Children & Young People Act 2008

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The new *Children and Young People Act 2008*: Helping children and young people be safe, supported and valued by the community.

Thank you for participating in this information initiative about the *Children and Young People Act 2008*.

Implementation of Stage 2

The 2nd stage of implementation of the *Children & Young People Act 2008* commenced on 27 October 2008, including

- Care and protection and out of home care provisions (chapters 10 to 19)
- Family group conferencing provisions (chapter 3)
- Information secrecy and sharing provisions (chapter 25);
- The Official Visitor appointed by the Minister (chapter 2);
- Suitable entities for purposes under the Act (chapter 2); and
- Enforcement (chapter 23), appeals and review (chapter 24) and miscellaneous provisions (chapter 26).

Brief summary of changes in the care and protection provisions

- Provisions for prenatal reporting to provide greater protections for children who may be at risk of abuse or neglect after birth (chapter 11);
- Enhanced assessment powers to assess and respond, at the earliest possible stage, to children and young people suspected to be at risk of abuse and neglect (part 14.3);
- A more transparent system of drug testing for primary caregivers (part 14.9);
- Enhanced protections for children and young people who live in out of home care (part 15.4);
- Improved safeguards for children and young people subject to Therapeutic Protection Orders (chapter 16);
- Greater stability and certainty for children and young people subject to care and protection orders, through stability proposals in care plans and long term orders (chapter 14).





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You are welcome to attend an information session highlighting some of the changes in the new Act:

Session One: 11am – 12pm, Wednesday 10 December
OR

Session Two: 3pm – 4pm, Friday 12 December

Venue: Beaufort Room, Level 1, Nature Conservation House,
153 Emu Bank, Belconnen

For further information or enquiries regarding registration please contact -
Mira Lay on 62053102 or 62071382; or
Sally Markham on 62071344

The information session will cover-

- *Mandatory, voluntary and prenatal reporting;*
- *Child concern reports/child protection reports;*
- *New permanency and stability provisions;*
- *Care and Protection Orders; and*
- *New information sharing provisions – declared Care Teams - giving and receiving information.*

This information session should not be a substitute for *Reporting child abuse and neglect* training for mandatory and voluntary reporters.

Suitable Entities (chapter 2, part 2.4)

The Act has introduced a new requirement for a decision-maker exercising a function under the Act to, where practicable and appropriate, have qualifications, experience or skills suitable to apply the principles of the Act when making decisions in relation to children and young people.

There is also a suitability test for all suitable entities under the Act (section 68). A suitable entity means an entity approved under section 63 as a suitable entity for a stated purpose. This includes approved foster carers, kinship carers, residential care services, therapeutic protection services, proprietors and controlling persons for childcare services, researchers and others.

In deciding whether an entity is a suitable entity, suitability information is required.

Suitability information includes:

- any conviction of, or finding of guilt against, the entity for—
 - an offence relating to the provision of services for children or young people; or





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- an offence against a child or young person; or
 - an offence involving a child or young person; or
 - an offence involving violence; or
 - a sex offence; or
 - an offence involving dishonesty or fraud; or
 - an offence involving possession of, or trafficking in, a drug of dependence or controlled drug; or
 - an offence against an animal
- any proven non-compliance by the entity with a legal obligation in relation to providing services for children or young people;
 - any refusal, whether in the ACT or another State or Territory, of an application for a licence or other authority (however described) in relation to providing services for children or young people;
 - the soundness of the entity's financial reputation and the stability of the entity's financial background;
 - the entity's reputation for honesty and integrity;
 - whether the entity has proven experience or demonstrated capacity in providing services for children and young people;
 - whether a child concern report has been received about the entity and any action that has been taken in response to the report; and
 - any other consideration relevant to the entity's ability to provide high quality services for children or young people.

Suitable entities have an ongoing duty to report to the chief executive any changes to suitability information (section 70).

Reminders

We welcome any feedback you may wish to provide us including queries arising from information sessions you may have attended.

Remember that primary sources are always a good start, so try considering the Act directly at www.dhcs.act.gov.au/OCYFS/legislation

If you have any questions please contact:

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