



# Children & Young People Act 2008

**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 & Young People Act 2008*.

## **Implementation of Stage 2**

**Countdown is almost complete for the next stage of commencement of the *Children and Young People Act 2008* on Monday, 27 October 2008.**

The Official Visitor, care and protection provisions (chapters 10 – 19), family group conferencing, information secrecy and sharing provisions (chapter 25) and enforcement, appeals and miscellaneous provisions commence on this date.

## **What are the principles and objects of the *Act*?**

The paramount principle of the Act (s8) for any person making a decision under the Act concerning a child or young person is the best interests of the child or young person. Other principles when making a decision under the Act concerning a child or young person, except when not in their best interests, include:

- the preservation of a child or young person's racial, religious, ethnic or cultural identity;
- continuation of a child or young person's education, training or lawful employment;
- consideration of the age, maturity, sex and developmental maturity when making a decision; and
- timely decision making as delays may prejudice the child or young person's well being.

The Act also has objects (s7) that places responsibilities on those working within this Act. A new object of this Act includes:

- ensuring that services provided by or for government for the well being, care and protection of children and young people are centered on the needs of children and young people;
- that services are informed by processes that, wherever possible, take the views and wishes of children and young people into consideration;





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- respect the individual race, culture, ethnicity, religion, disability or sexuality of children and young people; and
- foster and promote the health, education, developmental needs, self-respect and dignity of children and young people.

## Information shared about children and young people when a member of a declared Care Team –Commence on 27 October 2008

A declared Care Team is a new term (s863) involving people or agencies providing or coordinating direct service delivery to children and young people under the Act. A delegate of the Chief Executive is a member of a declared Care Team. Care Team members may share safety and wellbeing information about the child or young person for whom the declared Care Team is about. A Care Team member is not obliged to share information with another Care Team member.

All decision to share information about a child or young person in a declared Care Team must be informed and guided by the best interests of the child or young person. Some safety and wellbeing information may be 'sensitive information'. This includes information about a child protection report, an appraisal, interstate care and protection information or family group conference information. Most sensitive information may be shared by declared Care Team members when it is in the best interests of the child or young person to do so. Sensitive information about a person who has made a child protection report or any information that may identify that person **cannot** be shared, even with their consent of the person who made the report.

Think carefully about the information you share and make sure it is information that is in the best interests of the child or young person.

## Out of Home Care –Commence on 27 October 2008

When the Chief Executive has parental responsibility for a child or young person, the Chief Executive arranges out-of-home care for that child or young person. Out-of-home care may be provided by a kinship carer (usually a family member), a foster carer or a residential care service. Each carer and service providing out-of-home care must be assessed as a *suitable entity* in order to provide the care. Authorisation as an out-of-home carer is usually in written form except in emergencies when it may be verbal followed by written authorisation as soon as practicable. The Chief Executive must also provide an out of home carer with a copy of any relevant court order about the child or young person.





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Further details about what is involved in assessing a person or service as a suitable entity will be covered in the next newsletter.

## Official Visitors

Persons appointed by the Minister who visit and inspect detention places, therapeutic protection places and places of care. Their functions are to inspect the places, report to the Minister or Chief Executive if the places are not compliant with the requirements of the Act and receive and investigate complaints made by children, young people and others about the conditions of the place, the care provided and how the place is conducted.

## Reminders

We welcome any feedback you may wish to provide us with about this process. If, at any point you decide that you do not wish to be provided with this information, please do not hesitate to contact us and we will ensure that you are removed from this distribution list.

Remember that primary sources are always a good start, so try considering the *Act* directly at [www.dhcs.act.gov.au/OCYFS/legislation](http://www.dhcs.act.gov.au/OCYFS/legislation)

If you have any questions please contact:

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