



Children & Young People Act 2008

The New C&YP 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*.

What are the principles of the Act?

There are a few very important principles that this *Act* is based on. **The best interests of children and young people is the paramount consideration in all decisions made under the Act (s8)**. Every decision made under the *Act* must be considered with reference to this principle. Sections 94 and 349 provide guidance on how to determine the best interests of a child. Recognition of the connection of Aboriginal and Torres Strait Islander children and young people to their community and the need to involve their community in decisions being made is another important principle.

How is information shared about children and young people when it relates to a child protection or youth justice matter?

The intent of the information sharing provisions in the *Act* are to ensure that personal information is shared appropriately. As it was put by Geraldine Nunney a solicitor from the UK, "No inquiry into a child's death or serious injury has ever questioned why information was shared. It has always asked the opposite."

Most information that you will be dealing with is *protected* – that means that you need to preserve the privacy of this information because it is information that you obtained because of the job you do. Some of the *protected* information you receive will also be *sensitive* information. This is information that you need to keep confidential to yourself because it relates to child concern reports and the investigation of those reports.

You can share *protected* information if it is in the best of interests of a child or young person to do so. If the information is also *sensitive*, you must only share it in specific, limited circumstances. You need to always ask yourself "Will it promote the safety and well-being of this child if I share this information?"

If you remember only one thing about information sharing, it needs to be this: The most *sensitive* information, that must remain confidential, is the identity of a person who made a child concern report. *Do not share any information that would allow a reporter's identity to be worked out unless a Court orders you to*. When in doubt, seek advice before you share information.



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The next newsletter will discuss sharing information in "Care Teams" which are a new mechanism provided by the new *Act*.

Chapter 25 has a commencement date of 27 October 2008. Similar provisions under the previous Act remain in place until that date.

Youth Justice Update

The youth detention provisions of the new *Act* (chapters 4 to 9) and the detention-related amendments to the *Corrections Management Act 2007* contained in schedule 1 of the *Act* commenced on 9 September 2008.

The Minister has declared both Bimberi Youth Justice Centre ('Bimberi') and Quamby Youth Detention Centre ('Quamby') as detention places under s142 of the new *Act* from 9 September 2008.

The standing orders for Quamby were repealed on 9 September 2008 and replaced with policies and procedures made under the new *Act*. The policies and procedures are available at:

<http://www.legislation.act.gov.au/a/2008-19/ni.asp>

The best interests principle now applies to the entire *Act*, including the youth justice chapters. Chapter 4 also outlines the revised Youth Justice Principles that a decision-maker must take into account in working out what is in the best interests of a child or young person for the criminal matters Chapters (Chapters 4 – 9).

Chapters 4 – 9 commenced on 9 September 2008.

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 checking out the *Act* for yourself. It can be found through a link on the departmental website at www.dhcs.act.gov.au/OCYFS/legislation

If you have any questions please contact:

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