

Australian Capital Territory

Children and Young People (Responsible Person) Delegation 2016 (No 1)*

Instrument of Delegation NI2016-118

made under the

Children and Young People Act 2008 – ss 457A, 501A, 514G and 863(5)

Name of Instrument

Children and Young People (Responsible Person) Delegation 2016 (No 1)

Commencement

This Instrument of Delegation commences on the day approved by the Director-General.

Authority

Pursuant to the following sections of the *Children and Young People Act 2008*:

- 457A (Care plans – Director-General delegations);
- 501A (Director-General delegations);
- 514G (Director-General delegations);
- 863(5) (Care team – sharing safety and well being information);

I delegate to the approved responsible person exercising the Territory functions as specified in column 1 of the Table of Delegations, my powers under the provisions of the *Children and Young People Act 2008* specified in Column 2 of the Schedule.

Revocation

Nil.

Natalie Howson
Director-General
Community Services Directorate
29 February 2016

*Name amended under Legislation Act, s 60

Application of any delegated function must be undertaken in consideration of policies, procedures and guidelines under the *Children and Young People Act 2008*. Refer to the *Children and Young People Act 2008* for the complete details of the legislative provision outlined in the Instrument of Delegation.

TABLE OF DELEGATIONS

Column 1	
In accordance with the <i>Children and Young People Act 2008</i> , Column 1 refers solely to an approved responsible person pursuant to section 63 of the <i>Children and Young People Act 2008</i>	<p>Ms Annette Kelly-Egerton, Barnardos Australia , ABN 18 068 557 906. Care and Protection Organisation for a care and protection purpose: kinship and foster care service.</p> <p>Ms Annette Kelly-Egerton, Barnardos Australia , ABN 18 068 557 906. Care and Protection Organisation for a care and protection purpose: residential care service</p>

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SCHEDULE

Column 1		Column 2
Ms Annette Kelly-Egerton, Barnardos Australia, Care and Protection Organisation for a care and protection purpose: kinship and foster care service and residential care service	Subject: Power and/or function: Reference:	Care Plans – stability proposals The Director-General must prepare a proposal (a <i>stability proposal</i>) that outlines how the Director-General proposes to ensure long-term placement in a safe, nurturing and secure environment. <i>Note: the Act describes what a stability proposal may include at s456(3).</i> section 456 (2)
Ms Annette Kelly-Egerton, Barnardos Australia , Care and Protection Organisation for a care and protection purpose: kinship and foster care service and residential care services	Subject: Power and/or function: Reference:	Care Plans – who must be consulted 1) If the Director-General is preparing a care plan for a child or young person, the Director-General must— (a) tell the following people about the proposals the director-General intends to include in the care plan: (i) the child or young person; (ii) each person who has daily care responsibility for the child or young person; (iii) anyone else who would be involved in implementing a proposal; (iv) for a proposal prepared under section 455 (b) (ii)— (A) Aboriginal or Torres Strait Islander people who have an interest in the wellbeing of the child or young person through family, kinship and cultural ties; and (B) any Aboriginal or Torres Strait Islander people organisation identified by the Director-General as providing ongoing support services to the child or young person or the child’s or young person’s family; and (b) give the people opportunity to make submissions to the Director-General about the proposals. 2) If a person makes a submission to the Director-General about a proposal, the Director-General must consider the submission. <i>(Note: the Act describes what is a Care Plan at s455)</i> section 457

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<p>Ms Annette Kelly-Egerton, Barnardos Australia , Care and Protection Organisation for a care and protection purpose: kinship and foster care service and residential care services</p>	<p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p>	<p>Annual review report – prepared at least annually</p> <p>The Director-General must prepare an annual review report for a reviewable care and protection order for a child or young person –</p> <ul style="list-style-type: none"> (a) If the order is in force for 1 year or more – by, but not earlier than 1 month before, the anniversary of the day the order was made, in each year the order was in force; (b) If the order is in force for less than 1 year – at least one month, but not earlier than 2 months, before the order expires. <p>section 495</p>
<p>Ms Annette Kelly-Egerton, Barnardos Australia , Care and Protection Organisation for a care and protection purpose: kinship and foster care service and residential care services</p>	<p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p>	<p>Annual review report—consultation</p> <p>If the Director-General is preparing an annual review report for a child or young person, before the Director-General finalises the report, the Director-General must, as far as is practicable and if the Director-General considers it in the child’s or young person’s best interests, arrange a meeting with the following people to discuss the matters that the Director-General proposes to include in the report:</p> <ul style="list-style-type: none"> (a) if it is considered that the child or young person can understand and take part in the meeting—the child or young person; (b) each person who has daily care responsibility or long term care responsibility for the child or young person; (c) if the child or young person is placed with an out-of-home carer who is— <ul style="list-style-type: none"> (i) a kinship carer—the kinship carer and the kinship carer’s approved kinship and foster care organisation; or (ii) for a foster carer—the foster carer and the foster carer’s approved kinship and foster care organisation; or (iii) for a residential care service—the residential care service; (d) anyone else the Director-General considers appropriate. <p>section 496</p>

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Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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Ms Annette Kelly-Egerton, Barnardos Australia , Care and Protection Organisation for a care and protection purpose: kinship and foster care service	Subject: Power and/or function: Reference:	Approved carers – individual may apply An individual may apply to the Director-General for approval as an approved carer. section 514A
Ms Annette Kelly-Egerton, Barnardos Australia , Care and Protection Organisation for a care and protection purpose: kinship and foster care service	Subject: Power and/or function: Reference:	Approved carers - Director-General may approve 1) The Director-General may, in writing, approve a person as a carer (an <i>approved carer</i>) if satisfied that the person is an appropriate person to care for children or young people. 2) The Director-General may approve a person as an approved carer only if – (a) the person is registered under the <i>Working with Vulnerable People (Background Checking) Act 2011</i> ; or (b) the person – (i) is to be authorised as a kinship carer under section 516; and (ii) may engage in a regulated activity as a kinship carer under the <i>Working with Vulnerable People (Background Checking) Act 2011</i> , section 16 (When unregistered person may be engaged in regulated activity – kinship carer). <i>Note: Subsection 2 referring to oral approval of carers is not delegated.</i> sections 514B (1) and(3)
Ms Annette Kelly-Egerton, Barnardos Australia , Care and Protection Organisation for a care and protection purpose: kinship and foster care service	Subject: Power and/or function: Reference:	Approved carers – criteria for approval In deciding whether a person is an appropriate person to care for children and young people, the Director-General must consider each of the following: (a) the matters listed in section 65(1), definition of suitability information, except paragraph (d) about the person and each other adult member of the person's household; (b) if the Director-General requires the person to provide a reference or report under s514D(2)(b) – the reference or the report; (c) if the Director-General requires the person to undergo a test or medical examination under s514D(2)(c) – the result of the test or medical examination. section 514C

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<p>Ms Annette Kelly-Egerton, Barnardos Australia , Care and Protection Organisation for a care and protection purpose: kinship and foster care service</p>	<p>Subject:</p> <p>Power and/or function:</p>	<p>Approved carers - further information, references etc</p> <ol style="list-style-type: none"> 1) This section applies if the Director-General is deciding whether a person is an appropriate person to care for children and young people. 2) The Director-General may, by written notice given to the person, require the person to- <ol style="list-style-type: none"> (a) Provided stated information about the person not later than a stated reasonable time; or (b) Provide a stated reference or report not later than a stated reasonable time; or (c) Undergo a stated test or medical examination not later than a stated reasonable time. 3) A notice must also tell the person that giving false or misleading information is an offence against the Criminal Code, part 3.4. 4) If the Director-General has given a person a notice under this section and the person does not comply with the notice, the Director-General need not decide whether the person is an appropriate person to care for children or young people. <p>Reference section 514D</p>
<p>Ms Annette Kelly-Egerton, Barnardos Australia , Care and Protection Organisation for a care and protection purpose: kinship and foster care service</p>	<p>Subject:</p> <p>Power and/or function:</p>	<p>Approved carers—expiry and renewal of approvals</p> <ol style="list-style-type: none"> 1) The Director-General must not issue an approved carer approval for longer than 3 years. 2) A person may apply to the Director-General to renew the approval for a period not longer than 3 years. 3) The application ,must be – <ol style="list-style-type: none"> (a) in writing; and (b) received by the Director-General at least 30 days before the approval expires. 4) However, the Director-General may extend the time for making an application. 5) If a person applies to renew an approval under this section, the approval remains in force until the application is decided. 6) If a person’s approval expires, any of the following authorisations held by the person also end: <ol style="list-style-type: none"> (a) Authorisation as a kinship carer under s 516; (b) Authorisation as a foster carer under s518. <p>Reference section 514E</p>

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<p>Ms Annette Kelly-Egerton, Barnardos Australia , Care and Protection Organisation for a care and protection purpose: kinship and foster care service and residential care service</p>	<p>Subject:</p> <p>Power and/or function:</p> <p>Reference</p>	<p>Care teams—sharing safety and wellbeing information</p> <ol style="list-style-type: none"> 1) The Director-General may declare that the Director-General and a group of other people and entities are a care team for a child or young person. 2) The Director-General may include a person or entity as a member of a care team for a child or young person only if satisfied that the person or entity is responsible for coordinating or delivering a service or care to the child or young person, or his or her family members – under this Act; or for a criminal proceeding under another Territory law; or for the administration of a sentence or order under another Territory law. 3) A member of the care team may ask another member of the care team for safety and well being information about the child or young person; and may give safety and well being information to another member of the care team. 4) The giving of safety and well being information under this section is subject to any instruction made by the Director-General under section 23 of the Act. <p><i>(Note: safety and well being information is at s858)</i></p> <p>section 863</p>
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