



Australian Capital Territory

# Children and Young People Amendment Act 2013

A2013-10

## Contents

---

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Managing use of force New section 223 (3A)	2
5 Section 223 (5)	2
6 Strip searches directed by director-general Section 258 (1) (a) (ii)	3
7 Body searches directed by director-general Section 264 (1) (b)	3

---

J2012-696

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

## Contents

---

		Page
8	Revocation of foster carer's authorisation New section 523 (1) (d)	3
9	Revocation of residential care service's authorisation New section 524 (1) (d) and (e)	3
10	Children and young people deaths register Section 727N (4), except examples and note	4



Australian Capital Territory

# Children and Young People Amendment Act 2013

A2013-10

---

An Act to amend the *Children and Young People Act 2008*

---

The Legislative Assembly for the Australian Capital Territory enacts as follows:

**1 Name of Act**

This Act is the *Children and Young People Amendment Act 2013*.

**2 Commencement**

This Act commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

**3 Legislation amended**

This Act amends the *Children and Young People Act 2008*.

**4 Managing use of force  
New section 223 (3A)**

*insert*

(3A) The director-general must give notice to a treating doctor or a nurse if force is used in relation to a young detainee, unless the force is a planned use of restraint when the detainee is—

- (a) outside a detention place; and
- (b) being escorted somewhere else.

**Example—planned use of restraint**

using handcuffs on a young offender who has been assessed as being at risk of attempting to escape while being escorted to a dental appointment

**5 Section 223 (5)**

*omit*

child or young person

*substitute*

young detainee

**6 Strip searches directed by director-general  
Section 258 (1) (a) (ii)**

*omit*

or good order

**7 Body searches directed by director-general  
Section 264 (1) (b)**

*omit*

or good order

**8 Revocation of foster carer's authorisation  
New section 523 (1) (d)**

*after the note, insert*

- (d) has not acted as a foster carer in the previous 12 months, and—
- (i) is no longer willing or able to act as a foster carer; or
  - (ii) cannot be contacted, despite reasonable efforts.

**9 Revocation of residential care service's authorisation  
New section 524 (1) (d) and (e)**

*after the note, insert*

- (d) has not acted as a residential care service in the previous 12 months; or
- (e) is no longer available to act as a residential care service.

**Example**

an entity closes its residential care service places in the ACT

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

**10 Children and young people deaths register  
Section 727N (4), except examples and note**

*substitute*

- (4) The CYP death review committee must not include any information on the register about the cause or circumstances of the death of a child or young person until any coronial inquest or review by the Territory has ended.

---

## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 29 November 2012.

**2 Notification**

Notified under the [Legislation Act](#) on 27 March 2013.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

---

I certify that the above is a true copy of the Children and Young People Amendment Bill 2013, which originated in the Legislative Assembly as the Children and Young People Amendment Bill 2012 (No 2) and was passed by the Assembly on 21 March 2013.

Clerk of the Legislative Assembly

© Australian Capital Territory 2013