

2012

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Community Services)

# Children and Young People Amendment Bill 2012

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# Children and Young People Amendment Bill 2012

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## A Bill for

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

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

1	<b>1</b>	<b>Name of Act</b>
2		This Act is the <i>Children and Young People Amendment Act 2012</i> .
3	<b>2</b>	<b>Commencement</b>
4		This Act commences on the day after its notification day.
5	<i>Note</i>	The naming and commencement provisions automatically commence on
6		the notification day (see Legislation Act, s 75 (1)).
7	<b>3</b>	<b>Legislation amended</b>
8		This Act amends the <i>Children and Young People Act 2008</i> .
9	<b>4</b>	<b>Managing use of force</b>
10		<b>New section 223 (3A) and (3B)</b>
11		<i>insert</i>
12	(3A)	The director-general must give notice to a treating doctor or a nurse
13		if force is used in relation to a young detainee.
14	(3B)	However, subsection (3A) does not apply to the planned use of
15		restraint in relation to a young detainee when the detainee is outside
16		a detention place.
17		<b>Example</b>
18		the use of handcuffs on a young offender who has been assessed as being at risk
19		of attempting to escape while being transported to court
20	<b>5</b>	<b>Section 223 (5)</b>
21		<i>omit</i>
22		child or young person
23		<i>substitute</i>
24		young detainee

- 1 **6 Strip searches directed by director-general**
- 2 **Section 258 (1) (a) (ii)**
- 3 *omit*
- 4 or good order
- 5 **7 Body searches directed by director-general**
- 6 **Section 264 (1) (b)**
- 7 *omit*
- 8 or good order
- 9 **8 Revocation of foster carer's authorisation**
- 10 **New section 523 (1) (d) and (e)**
- 11 *after the note, insert*
- 12 (d) has not acted as a foster carer in the previous 12 months; or
- 13 (e) is no longer available to act as a foster carer.
- 14 **Example**
- 15 the foster carer has moved and reasonable efforts to locate the foster carer
- 16 have been unsuccessful
- 17 *Note* An example is part of the Act, is not exhaustive and may extend,
- 18 but does not limit, the meaning of the provision in which it
- 19 appears (see Legislation Act, s 126 and s 132).
- 20 **9 Revocation of residential care service's authorisation**
- 21 **New section 524 (1) (d) and (e)**
- 22 *after the note, insert*
- 23 (d) has not acted as a residential care service in the previous
- 24 12 months; or

1 (e) is no longer available to act as a residential care service.

2 **Example**

3 an entity closes its residential care service places in the ACT

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

7 **10 Children and young people deaths register**  
8 **Section 727N (4), except examples and note**

9 *substitute*

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

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## Endnotes

1 **Presentation speech**

Presentation speech made in the Legislative Assembly on 10 May 2012.

2 **Notification**

Notified under the Legislation Act on 2012.

3 **Republications of amended laws**

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

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