

2012

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Disability, Children and Young People)

Children and Young People Amendment Bill 2012 (No 2)

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Children and Young People Amendment Bill 2012 (No 2)

A Bill for

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

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

1	1	Name of Act
2		This Act is the <i>Children and Young People Amendment</i>
3		<i>Act 2012 (No 2)</i> .
4	2	Commencement
5		This Act commences on the day after its notification day.
6	<i>Note</i>	The naming and commencement provisions automatically commence on
7		the notification day (see Legislation Act , s 75 (1)).
8	3	Legislation amended
9		This Act amends the <i>Children and Young People Act 2008</i> .
10	4	Managing use of force
11		New section 223 (3A) and (3B)
12		<i>insert</i>
13	(3A)	The director-general must give notice to a treating doctor or a nurse
14		if force is used in relation to a young detainee.
15	(3B)	However, subsection (3A) does not apply to the planned use of
16		restraint in relation to a young detainee when the detainee is outside
17		a detention place.
18		Example
19		the use of handcuffs on a young offender who has been assessed as being at risk
20		of attempting to escape while being transported to court
21	5	Section 223 (5)
22		<i>omit</i>
23		child or young person
24		<i>substitute</i>
25		young detainee

1	6	Strip searches directed by director-general
2		Section 258 (1) (a) (ii)
3		<i>omit</i>
4		or good order
5	7	Body searches directed by director-general
6		Section 264 (1) (b)
7		<i>omit</i>
8		or good order
9	8	Revocation of foster carer's authorisation
10		New section 523 (1) (d) and (e)
11		<i>after the note, insert</i>
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		<i>Note</i> 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).

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 2012.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
