

2015

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Children and Young People)

Children and Young People Amendment Bill 2015 (No 3)

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FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Children and Young People)

Children and Young People Amendment Bill 2015 (No 3)

A Bill for

An Act to amend the *Children and Young People Act 2008*, and for other purposes

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

1 **1 Name of Act**

2 This Act is the *Children and Young People Amendment Act 2015*
3 (*No 3*).

4 **2 Commencement**

5 This Act commences on 1 January 2016.

6 *Note* 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 *Children and Young People Act 2008*.

10 *Note* This Act also amends the *Working with Vulnerable People (Background*
11 *Checking) Act 2011* (see sch 1).

12 **4 Part 2.2**

13 *substitute*

14 **Part 2.2 Children and Youth Services**
15 **Council**

16 **27 Establishment of council**

17 (1) The Minister may establish a council (a *Children and Youth*
18 *Services Council*) from time to time to exercise stated functions for
19 a stated period in relation to services for children and young people
20 in the ACT.

21 (2) The instrument establishing the council is a notifiable instrument.

22 *Note* A notifiable instrument must be notified under the [Legislation Act](#).

23 **28 Council members**

24 (1) A Children and Youth Services Council must have at least 5, but not
25 more than 10, members.

1 (2) The Minister must appoint the members.

2 *Note 1* For the making of appointments (including acting appointments), see
3 the [Legislation Act](#), pt 19.3.

4 *Note 2* In particular, an appointment may be made by naming a person or
5 nominating the occupant of a position (see [Legislation Act](#), s 207).

6 *Note 3* Certain Ministerial appointments require consultation with an Assembly
7 committee and are disallowable (see [Legislation Act](#), div 19.3.3).

8 **5 Who is a *suitable entity*?**
9 **Section 61, examples 4 to 6**

10 *omit*

11 **6 Director-general may approve suitable entity for purpose**
12 **Section 63 (2)**

13 *omit*

14 **7 Meaning of *care and protection purpose***
15 **Section 352B, definition of *care and protection purpose*,**
16 **paragraph (a)**

17 *substitute*

18 (a) means any of the following purposes:

19 (i) to provide kinship and foster care services;

20 (ii) to provide residential care services;

21 (iii) another purpose prescribed by regulation as a care and
22 protection purpose; but

1 **8 Section 352B, examples and note**

2 *substitute*

3 *Note* Organisations approved as suitable entities for the purpose of providing
4 kinship and foster care services or residential care services are dealt
5 with in ch 15. See especially s 502, definitions of *approved kinship*
6 *and foster care organisation* and *approved residential care*
7 *organisation* and pt 15.4 (Out-of-home carers).

8 **9 Intervention—suspension if child or young person unsafe**
9 **Section 352P (3)**

10 *substitute*

- 11 (3) If an organisation's approval is suspended by a safety suspension
12 notice and the organisation holds an authorisation under section 520
13 (Residential care service—general parental authority), the
14 organisation's authorisation under section 520 is also suspended for
15 the period of the safety suspension notice.

16 **10 Offence—mandatory reporting of abuse**
17 **Section 356 (2), definition of *mandated reporter*, new**
18 **paragraph (ea)**

19 *after the note, insert*

20 (ea) a psychologist;

21 **11 Section 356 (2), new definition of *psychologist***

22 *insert*

23 *psychologist* means a person registered under the *Health*
24 *Practitioner Regulation National Law (ACT)* to practise in the
25 psychology profession (other than as a student).

12 New section 457A

in division 14.3.4, insert

457A Care plans—director-general delegations

The director-general may delegate any of the director-general's functions under this division to—

- (a) a responsible person for an approved kinship and foster care organisation; or
- (b) a responsible person for a residential care service.

Note 1 For the making of delegations and the exercise of delegated functions, see the [Legislation Act](#), pt 19.4.

Note 2 If the director-general delegates a function under this part, the delegate is an authorised person and must be given an identity card (see s 26).

Note 3 The [Public Sector Management Act 1994](#), s 36C also provides for a director-general to delegate powers given to the director-general under a territory law.

**13 Care and protection order—length
Section 465 (2), note 1**

omit

(not longer than 2 years)

- 1 **14** **What is a *short-term parental responsibility provision*?**
2 **Section 476, definition of *short-term parental***
3 ***responsibility provision***
- 4 *omit*
- 5 not longer than 2 years
- 6 *substitute*
- 7 not longer than—
- 8 (a) for a child who is younger than 2 years old when the order is
9 made—1 year; and
- 10 (b) in any other case—2 years
- 11 **15** **Short-term parental responsibility provision—extension**
12 **Section 477 (1)**
- 13 *after*
- 14 order
- 15 *insert*
- 16 (the *extension decision*)
- 17 **16** **Section 477 (2) (a) and (b)**
- 18 *substitute*
- 19 (a) for a child who is younger than 2 years old when the extension
20 decision is made—
- 21 (i) the director-general has had an aspect of daily care
22 responsibility or long-term care responsibility for a total
23 of at least 1 year before the extension decision is made;
24 and

- 1 (ii) the child or young person has been living with a stated
2 person under a care and protection order for a total of at
3 least 1 year before the extension decision is made; or
- 4 (b) in any other case—
- 5 (i) the director-general has had an aspect of daily care
6 responsibility or long-term care responsibility for—
- 7 (A) the 2 years immediately before the extension
8 decision is made; or
- 9 (B) a total of at least 2 years in the 3 years immediately
10 before the extension decision is made; and
- 11 (ii) the child or young person has been living with a stated
12 person under a care and protection order for—
- 13 (A) the 2 years immediately before the extension
14 decision is made; or
- 15 (B) a total of at least 2 years in the 3 years immediately
16 before the extension decision is made.

17 **17 Enduring parental responsibility provision—criteria for**
18 **making**
19 **Section 482 (1) (a) (i) and (ii)**

20 *substitute*

- 21 (i) the year immediately before the order is made; or
- 22 (ii) a total of at least 1 year in the 2 years immediately before
23 the order is made; and

1 **18 Section 482 (1) (b) (i) and (ii)**

2 *substitute*

- 3 (i) the year immediately before the order is made; or
4 (ii) a total of at least 1 year in the 2 years immediately before
5 the order is made; and

6 **19 Annual review report—consultation**
7 **Section 496 (2) (c) and (d)**

8 *substitute*

- 9 (c) if the child or young person is placed with an out-of-home
10 carer who is—
11 (i) a kinship carer—the kinship carer and the kinship carer’s
12 approved kinship and foster care organisation; or
13 (ii) for a foster carer—the foster carer and the foster carer’s
14 approved kinship and foster care organisation; or
15 (iii) for a residential care service—the residential care service;

16 **20 Annual review report—must be given to certain people**
17 **Section 497 (1) (e)**

18 *omit*

19 **21 New section 497 (1A)**

20 *after the note, insert*

- 21 (1A) If requested by the Childrens Court, the director-general must also
22 give an annual review report for a care and protection order for a
23 child or young person to the Childrens Court.

22 New section 501A

in part 14.13, insert

501A Director-general delegations

The director-general may delegate any of the director-general's functions under this part to—

- (a) a responsible person for an approved kinship and foster care organisation; or
- (b) a responsible person for a residential care service.

Note 1 For the making of delegations and the exercise of delegated functions, see the [Legislation Act](#), pt 19.4.

Note 2 If the director-general delegates a function under this part, the delegate is an authorised person and must be given an identity card (see s 26).

Note 3 The [Public Sector Management Act 1994](#), s 36C also provides for a director-general to delegate powers given to the director-general under a territory law.

23 Section 502

substitute

502 Definitions—Act

In this Act:

approved kinship and foster care organisation means an approved care and protection organisation approved as a suitable entity for the purpose of providing kinship and foster care services.

Note ***Approved care and protection organisation***—see s 352C.

approved residential care organisation means an approved care and protection organisation approved as a suitable entity for the purpose of providing residential care services.

foster carer—see section 518 (2).

1 *general parental authority*, for a residential care service—see
2 section 520 (2).

3 *in therapeutic protection*—see section 572.

4 *kinship carer*—see section 516 (2).

5 *out-of-home carer*, for a child or young person—see section 508.

6 *residential care service*—see section 520 (2).

7 *specific parental authority*—

8 (a) for a kinship carer—see section 516 (2); or

9 (b) for a foster carer—see section 518 (2).

10 **24 Who is an *out-of-home carer*?**
11 **Section 508, definition of *out-of-home carer*, new note**

12 *insert*

13 *Note* *Kinship carer*—see s 516 (2).

14 *Foster carer*—see s 518 (2).

15 *Residential care service*—see s 520 (2).

16 **25 Sections 509 to 511**

17 *omit*

18 **26 Section 514, note 2**

19 *omit*

20 (Director-general may place child or young person with out-of-home carer)

27 **New division 15.4.1A***insert***Division 15.4.1A Approval of carers****514A Approved carers—individual may apply**

An individual may apply to the director-general for approval as an approved carer.

Note If a form is approved under s 886 for this provision, the form must be used.

514B Approved carers—director-general may approve

- (1) The director-general may, in writing, approve a person as a carer (an *approved carer*) if satisfied that the person is an appropriate person to care for children or young people.

Note Power given by a law to make a decision includes power to reverse or change the decision (see [Legislation Act](#), s 180).

- (2) However, if the director-general orally authorises a person under section 516 (Kinship carer—specific parental authority) or section 518 (Foster carer—specific parental authority) in relation to a child or young person, the director-general—

(a) may, at the same time, orally approve the person as an approved carer; and

(b) if the director-general approves the person under paragraph (a)—must, as soon as practicable, approve the person in writing.

- (3) The director-general may approve a person as an approved carer only if—

(a) the person is registered under the [Working with Vulnerable People Act](#); or

- 1 (b) the person—
2 (i) is to be authorised as a kinship carer under section 516;
3 and
4 (ii) may engage in a regulated activity as a kinship carer
5 under the [Working with Vulnerable People Act](#),
6 section 16 (When unregistered person may be engaged in
7 regulated activity—kinship carer).

8 *Note* A decision under this section is a reviewable decision (see s 839).

9 **514C Approved carers—criteria for approval**

10 In deciding whether a person is an appropriate person to care for
11 children or young people, the director-general must consider each of
12 the following:

- 13 (a) the matters listed in section 65 (1), definition of *suitability*
14 *information*, except paragraph (d), about—
15 (i) the person; and
16 (ii) each other adult member of the person’s household;

17 *Note* There is an ongoing duty to update this information if it changes
18 (see s 514F).

- 19 (b) if the director-general requires the person to provide a
20 reference or report under section 514D (2) (b)—the reference
21 or report;
22 (c) if the director-general requires the person to undergo a test or
23 medical examination under section 514D (2) (c)—the result of
24 the test or medical examination.

1 **514D Approved carers—further information, references etc**

- 2 (1) This section applies if the director-general is deciding whether a
3 person is an appropriate person to care for children or young people.
- 4 (2) The director-general may, by written notice given to the person,
5 require the person to—
- 6 (a) provide stated information about the person not later than a
7 stated reasonable time; or
- 8 (b) provide a stated reference or report not later than a stated
9 reasonable time; or
- 10 (c) undergo a stated test or medical examination not later than a
11 stated reasonable time.

12 **Example**

13 a psychiatric examination

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

- 17 (3) A notice must also tell the person that giving false or misleading
18 information is an offence against the [Criminal Code](#), part 3.4 (False
19 or misleading statements, information and documents).
- 20 (4) If the director-general has given a person a notice under this section
21 and the person does not comply with the notice, the director-general
22 need not decide whether the person is an appropriate person to care
23 for children or young people.

24 **514E Approved carers—expiry and renewal of approvals**

- 25 (1) The director-general must not issue an approved carer approval for
26 longer than 3 years.
- 27 (2) A person may apply to the director-general to renew the approval
28 for a period not longer than 3 years.

- 1 (3) The application must be—
2 (a) in writing; and
3 (b) received by the director-general at least 30 days before the
4 approval expires.
- 5 (4) However, the director-general may extend the time for making an
6 application.
- 7 *Note 1* A person may apply for the time to be extended, and the time may be
8 extended, even though the time has ended (see [Legislation Act](#), s 151C).
- 9 *Note 2* If a form is approved under s 886 for this provision, the form must be
10 used.
- 11 (5) If a person applies to renew an approval under this section, the
12 approval remains in force until the application is decided.
- 13 (6) If a person's approval expires, any of the following authorisations
14 held by the person also end:
- 15 (a) authorisation as a kinship carer under section 516 (Kinship
16 carer—specific parental authority);
- 17 (b) authorisation as a foster carer under section 518 (Foster
18 carer—specific parental authority).

19 **514F Offence—ongoing duty to update information**

- 20 (1) This section applies to a person if—
21 (a) either—
22 (i) the director-general is deciding whether the person is an
23 appropriate person to care for children or young people;
24 or
25 (ii) the person is an approved carer; and
26 (b) the person has given the director-general information about a
27 matter mentioned in section 514C (a) about the person.

- 1 (2) The person commits an offence if—
- 2 (a) the person's information under section 65 (1), definition of
- 3 *suitability information*, paragraph (a), (b) or (c) changes; and
- 4 (b) the person does not tell the director-general about the change
- 5 as soon as practicable, but not later than 7 days after the
- 6 change happens.
- 7 Maximum penalty: 50 penalty units, imprisonment for 6 months or
- 8 both.
- 9 (3) The person commits an offence if—
- 10 (a) either of the following occurs:
- 11 (i) a court convicts the person, or finds the person guilty, of
- 12 an offence involving fraud or dishonesty;
- 13 **Example**
- 14 a conviction, or finding of guilt, against the person under the
- 15 [Criminal Code](#), ch 3 (Theft, fraud, bribery and related offences)
- 16 *Note* An example is part of the Act, is not exhaustive and may
- 17 extend, but does not limit, the meaning of the provision in
- 18 which it appears (see [Legislation Act](#), s 126 and s 132).
- 19 (ii) a tribunal, or an authority or person with the power to
- 20 require the production of documents or the answering of
- 21 questions, makes a finding against the person about the
- 22 person's honesty or integrity; and
- 23 (b) the person does not tell the director-general about the finding
- 24 as soon as practicable, but not later than 7 days after the
- 25 finding is made.
- 26 Maximum penalty: 50 penalty units, imprisonment for 6 months or
- 27 both.

1 **514G Director-general delegations**

2 The director-general may delegate any of the director-general's
3 functions under this part to a responsible person for an approved
4 kinship and foster care organisation.

5 *Note 1* For the making of delegations and the exercise of delegated functions,
6 see the [Legislation Act](#), pt 19.4.

7 *Note 2* If the director-general delegates a function under this part, the delegate
8 is an authorised person and must be given an identity card (see s 26).

9 *Note 3* The [Public Sector Management Act 1994](#), s 36C also provides for a
10 director-general to delegate powers given to the director-general under a
11 territory law.

12 **28 Definitions—Act**
13 **Section 515**

14 *omit*

15 **29 Section 516 heading**

16 *substitute*

17 **516 Kinship carer—specific parental authority**

18 **30 Section 516 (2)**

19 *substitute*

20 (2) The director-general may authorise (a *specific parental authority*),
21 orally or in writing, a family member, or significant person, of the
22 child or young person to exercise the daily care or long-term care
23 responsibility for the director-general (a *kinship carer*).

24 **31 Section 516 (3) (a) and note**

25 *substitute*

26 (a) is an approved carer; and

-
- 1 **32 Section 516 (3), new notes**
- 2 *insert*
- 3 *Note 1* **Approved carer**—see s 514B.
- 4 *Note 2* If a person’s approval as an approved carer expires, the authorisation as
- 5 a kinship carer under this section also ends (see s 514E (6)).
- 6 **33 Section 516 (5)**
- 7 *omit*
- 8 may
- 9 *substitute*
- 10 must
- 11 **34 Authorisation of foster care service**
- 12 **Section 517**
- 13 *omit*
- 14 **35 Section 518 heading**
- 15 *substitute*
- 16 **518 Foster carer—specific parental authority**
- 17 **36 Section 518 (2)**
- 18 *substitute*
- 19 (2) The director-general may authorise (a *specific parental authority*),
- 20 orally or in writing, a person to exercise the daily care or long-term
- 21 care responsibility for the director-general (a *foster carer*).

1 **37 Section 518 (3)**

2 *substitute*

3 (3) However, the director-general may authorise a person only if
4 satisfied that the person—

5 (a) is an approved carer; and

6 (b) agrees to exercise the responsibility for the director-general.

7 *Note 1 Approved carer*—see s 514B.

8 *Note 2* If a person's approval as an approved carer expires, the authorisation as
9 a foster carer under this section also ends (see s 514E (6)).

10 **38 Section 518 (5)**

11 *omit*

12 may

13 *substitute*

14 must

15 **39 Authorisation of foster carer—general parental authority**
16 **Section 519**

17 *omit*

18 **40 Section 520 heading**

19 *substitute*

20 **520 Residential care service—general parental authority**

41 Section 520 (1)

substitute

(1) This section applies if the director-general has daily care responsibility or long-term care responsibility for a child or young person.

(1A) The director-general may authorise (a *general parental authority*), in writing, an approved residential care organisation to exercise the daily care or long-term care responsibility for the director-general (a *residential care service*).

42 Sections 522 and 523

omit

**43 Revocation of residential care service's authorisation
Section 524 (1)**

omit 1st mention of

an organisation's

substitute

an approved residential care organisation's

44 Section 524 (5), note 2

omit

(Director-general may place child or young person with out-of-home carer)

**45 Approval of places of care
Section 525 (5), note 1**

omit

(Director-general may place child or young person with out-of-home carer)

- 1 **46** **Definitions—div 15.4.3**
2 **Section 526, definition of *care entities*, paragraph (a) (ii)**
3 *substitute*
4 (ii) the foster carer’s approved kinship and foster care
5 organisation;
- 6 **47** **Section 526, definition of *placement***
7 *omit*
8 may
9 *substitute*
10 must
- 11 **48** **Information and items must be kept during placement**
12 **Section 527 (1)**
13 *omit*
14 may
15 *substitute*
16 must
- 17 **49** **Section 529J heading**
18 *substitute*
19 **529J** **Financial assistance—young person or young adult**

50 New section 529JA

in division 15.5.3, insert

529JA Financial assistance—previous out-of-home carer

- (1) This section applies if—
- (a) a young adult is younger than 21 years old; and
 - (b) the young adult was previously placed with an out-of-home carer (the *previous carer*); and
 - (c) a transition plan is in force for the young adult which provides for the young adult to live with the previous carer; and
 - (d) the young adult is in fact living with the previous carer.
- (2) The director-general may provide financial assistance to the previous carer.
- (3) The director-general may provide financial assistance only if satisfied on reasonable grounds that the assistance is reasonably necessary considering the previous carer's circumstances.
- (4) The director-general may provide financial assistance on the conditions that the director-general considers appropriate.
- (5) The director-general may provide financial assistance—
- (a) to the previous carer directly; or
 - (b) if the previous carer was a foster carer—to the foster carer's approved kinship and foster care organisation, for the organisation to provide to the carer.

1 **51** **Meaning of *reviewable decision*—div 24.1.3**
 2 **Section 839, table 839.1A, new items 1A and 1B**

3 *before item 1, insert*

1A	514B	refuse to approve person as approved carer	person
1B	514E	refuse to renew person's approval as approved carer	person

4 **52** **Section 839, table 839.1A, items 2, 4, 6 and 7**

5 *omit*

6 **53** **Section 854 heading**

7 *substitute*

8 **854** **Out-of-home carer and approved kinship and foster care**
 9 **organisation—giving information necessary for**
 10 **responsibilities**

11 **54** **Section 854 (2), definition of *carer*, paragraph (b)**

12 *substitute*

13 (b) an approved kinship and foster care organisation.

14 **55** **Who is an *information sharing entity*?**
 15 **Section 859 (1), definition of *information sharing entity*,**
 16 **paragraph (d) and note**

17 *substitute*

18 (d) an approved kinship and foster care organisation;

19 *Note* ***Approved kinship and foster care organisation***—see s 502.

1 **56 Care teams—sharing safety and wellbeing information**
 2 **Section 863 (1), example 6**

3 *substitute*

4 6 an approved kinship and foster care organisation

5 **57 New section 863 (5)**

6 *insert*

7 (5) The director-general may delegate the director-general's function
 8 under subsection (1) to a responsible person for—

9 (a) an approved kinship and foster care organisation; or

10 (b) an approved residential care service.

11 *Note 1* For the making of delegations and the exercise of delegated functions,
 12 see the [Legislation Act](#), pt 19.4.

13 *Note 2* If the director-general delegates a function under this section, the
 14 delegate is an authorised person and must be given an identity card
 15 (see s 26).

16 *Note 3* The [Public Sector Management Act 1994](#), s 36C also provides for a
 17 director-general to delegate powers given to the director-general under a
 18 territory law.

19 **58 Protection of people giving certain information**
 20 **Section 874 (2) (n)**

21 *substitute*

22 (n) an out-of-home carer, or approved kinship and foster care
 23 organisation, to someone under section 854 (Out-of-home carer
 24 and approved kinship and foster care organisation—giving
 25 information necessary for responsibilities); and

26 *Note* ***Out-of-home carer***—see s 508.

27 ***Approved kinship and foster care organisation***—see s 502.

1 **59** **ACT child welfare services must assist public advocate**
2 **Section 879 (3), definition of *ACT child welfare service*,**
3 **new paragraph (f)**

4 *before the note, insert*

5 (f) an approved care and protection organisation.

6 **60** **New chapter 29**

7 *insert*

8 **Chapter 29** **Transitional—Children and**
9 **Young People Amendment**
10 **Act 2015 (No 3)**

11 **981** **Definitions—ch 29**

12 In this chapter:

13 *as amended* means as amended by the *Children and Young People*
14 *Amendment Act 2015 (No 3)*.

15 *commencement day* means the day the *Children and Young People*
16 *Amendment Act 2015 (No 3)*, section 3 commences.

17 **982** **Foster care service to be approved kinship and foster**
18 **care organisation**

19 (1) This section applies if, immediately before the commencement day,
20 an approved care and protection organisation holds—

21 (a) an approval under section 63 (Director-general may approve
22 suitable entity for purpose) as a suitable entity for the purpose
23 of providing a foster care service under section 517
24 (Authorisation of foster care service) (an *old approval*); and

25 (b) an authorisation under section 517 as a foster care service.

- 1 (2) The organisation's old approval is, on the commencement day,
2 taken to be an approval under section 63 as a suitable entity for the
3 purpose of kinship and foster care (a *new approval*)—
4 (a) in the same terms as the old approval; and
5 (b) subject to the same conditions as the old approval.
- 6 (3) The new approval expires when the first of the following happens:
7 (a) if an expiry day is stated in the approval—the expiry day;
8 (b) the approval is repealed;
9 (c) the director-general issues an approval under section 63 for the
10 organisation for the purpose of kinship and foster care.

11 **983 Authorisation of kinship carers**

- 12 (1) This section applies if, immediately before the commencement day,
13 a person holds—
14 (a) an approval under section 63 (Director-general may approve
15 suitable entity for purpose) as a suitable entity for the purpose
16 of providing kinship care for a child or young person under
17 section 516 (Kinship carer—specific parental authority) (an *old*
18 *approval*); and
19 (b) an authorisation under section 516 as a kinship carer for a child
20 or young person (an *old kinship carer authorisation*).
- 21 (2) The person's old approval is, on the commencement day, taken to be
22 an approval under section 514B (Approved carers—director-general
23 may approve) (a *new approval*)—
24 (a) in the same terms as the old approval; and
25 (b) subject to the same conditions as the old approval.
- 26 (3) The new approval expires when the first of the following happens:
27 (a) if an expiry day is stated in the approval—the expiry day;

- 1 (b) the approval is repealed;
- 2 (c) the person is approved as an approved carer under
- 3 section 514B;
- 4 (d) the person's registration under the Working With Vulnerable
- 5 People Act ends.

6 *Note* The maximum term of registration under that Act is 3 years

7 (see [Working with Vulnerable People Act](#), s 41 (3)).

8 (4) The person's old kinship carer authorisation is, on the

9 commencement day, taken to be an authorisation under section 516

10 (as amended) (a *new kinship carer authorisation*)—

- 11 (a) in the same terms as the old kinship carer authorisation; and
- 12 (b) subject to the same conditions as the old kinship carer
- 13 authorisation.

14 (5) The new kinship carer authorisation expires when the first of the

15 following happens:

- 16 (a) if an expiry day is stated in the authorisation—the expiry day;
- 17 (b) the authorisation is repealed;
- 18 (c) the director-general issues an authorisation under section 516
- 19 (as amended) for the person;
- 20 (d) the person's registration under the [Working with Vulnerable](#)
- 21 [People Act](#) ends.

22 *Note* The maximum term of registration under that Act is 3 years

23 (see [Working with Vulnerable People Act](#), s 41 (3)).

24 **984 Authorisation of foster carers**

25 (1) This section applies if, immediately before the commencement day,

26 a person holds an authorisation under section 518 as a foster carer

27 for a child or young person (an *old foster carer authorisation*).

- 1 (2) The person's old foster carer authorisation is, on the commencement
 2 day, taken to be an authorisation under section 518 (as amended)
 3 (a *new foster carer authorisation*)—
 4 (a) in the same terms as the old foster carer authorisation; and
 5 (b) subject to the same conditions as the old foster carer
 6 authorisation.
- 7 (3) The new foster carer authorisation expires when the first of the
 8 following happens:
 9 (a) if an expiry day is stated in the authorisation—the expiry day;
 10 (b) the authorisation is repealed;
 11 (c) the director-general issues an authorisation under section 518
 12 (as amended) for the person;
 13 (d) the person's registration under the [Working with Vulnerable](#)
 14 [People Act](#) ends.
- 15 *Note* The maximum term of registration under that Act is 3 years
 16 (see [Working with Vulnerable People Act](#), s 41 (3)).

17 **985 Expiry—ch 29**

18 This chapter expires 3 years after the commencement day.

19 *Note* Transitional provisions are kept in the Act for a limited time.
 20 A transitional provision is repealed on its expiry but continues to have
 21 effect after its repeal (see [Legislation Act](#), s 88).

22 **61 Dictionary, new definition of *approved carer***

23 *insert*

24 *approved carer*—see section 514B.

- 1 **62 Dictionary, definition of *approved foster care***
2 ***organisation***
- 3 *omit*
- 4 **63 Dictionary, new definition of *approved kinship and foster***
5 ***care organisation***
- 6 *insert*
- 7 *approved kinship and foster care organisation*—see section 502.
- 8 **64 Dictionary, definitions of *approved residential care***
9 ***organisation and foster carer***
- 10 *substitute*
- 11 *approved residential care organisation*—see section 502.
- 12 *foster carer*, for a child or young person—see section 518 (2).
- 13 **65 Dictionary, definition of *foster care service***
- 14 *omit*
- 15 **66 Dictionary, definitions of *general parental authority etc***
- 16 *substitute*
- 17 *general parental authority*, for a residential care service—see
18 section 520 (2).
- 19 *kinship carer*, for a child or young person—see section 516 (2).
- 20 *out-of-home carer*, for a child or young person—see section 508.
- 21 *residential care service*—see section 520 (2).
- 22 *specific parental authority*—
- 23 (a) for a kinship carer—see section 516 (2); or
- 24 (b) for a foster carer—see section 518 (2).

1 **Schedule 1** **Working with Vulnerable**
2 **People (Background Checking)**
3 **Act 2011—Consequential**
4 **amendments**

5 (see s 3)

6 **[1.1] Section 16 (3), definition of *kinship carer***

7 *substitute*

8 *kinship carer*—see the *Children and Young People Act 2008*,
9 section 516.

10 **[1.2] Schedule 1, section 1.1, note**

11 *omit*

- 12 • s 509 (Who is a *kinship carer*?);
- 13 • s 510 (Meaning of *approved foster care organisation*, *foster care*
14 *service* and *foster carer*);
- 15 • s 511 (Meaning of *approved residential care organisation* and
16 *residential care service*);

17 *substitute*

- 18 • s 516 (Kinship carer—specific parental authority);
- 19 • s 518 (Foster carer—specific parental authority);
- 20 • s 520 (Residential care service—general parental authority);

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 24 September 2015.

2 Notification

Notified under the [Legislation Act](#) on 2015.

3 Republications of amended laws

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

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