

Children and Young People (Drug Testing) Standards 2021 (No 1)

Disallowable instrument DI2021–69

made under the

Children and Young People Act 2008, Section 887 (Standard-making power)

EXPLANATORY STATEMENT

These standards outline the conduct of drug testing under a drug use provision in a care and protection order. The use of a drug use provision in a care and protection order is addressed by [section 488: What is a drug use provision?](#) of the *Children and Young People Act 2008*.

The Drug Testing Standards are made pursuant to section 887 (2) (c) (Standard-making power), which allows the Minister to make Drug Testing Standards for the *Children and Young People Act 2008*.

Under a drug use provision, a stated person may be required to comply with one or more of the following directions:

1. not use a stated drug
2. use a stated drug only in accordance with the conditions of the drug use provision
3. undergo drug testing as directed by the Director-General in accordance with the Drug Testing Standards.

The Drug Testing Standards outline the requirements Child and Youth Protection Services will adhere to when making arrangements for the drug testing of a stated person. This includes only using drug testing when doing so is clearly linked to the best interests of children, encouraging the stated person's voluntary engagement with drug testing, arranging testing through an accredited pathology service, notifying the stated person of drug test results and strategies to support compliance with the drug use provision.

The Drug Testing Standards define non-compliance with a drug use provision as failure to attend three scheduled drug test appointments in a three month period, without a valid reason for non-attendance.

The results of drug testing may be used as evidence in the Childrens Court. This can include in support of an application, or the revocation, of a care and protection order or an interim care and protection order. The results of drug testing may impact a child's care plan or case plan with regards to residence or contact arrangements or plans for the restoration of the child to the stated person's care.