



Australian Capital Territory

# **Children and Young People Regulation 2009**

**SL2009-37**

made under the

**Children and Young People Act 2008**

**Republication No 5**

**Effective: 1 July 2025 – 3 July 2025**

Republication date: 1 July 2025

Last amendment made by [A2024-34](#)

## About this republication

### The republished law

This is a republication of the *Children and Young People Regulation 2009*, made under the *Children and Young People Act 2008* (including any amendment made under the [Legislation Act 2001](#), part 11.3 (Editorial changes)) as in force on 1 July 2025. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 July 2025.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the [Legislation Act 2001](#) applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The [Legislation Act 2001](#), part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see [Legislation Act 2001](#), s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the [Legislation Act 2001](#), section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see [Legislation Act 2001](#), s 133).



Australian Capital Territory

# Children and Young People Regulation 2009

made under the

**Children and Young People Act 2008**

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R5  
01/07/25

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Effective: 01/07/25-03/07/25

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Australian Capital Territory

# Children and Young People Regulation 2009

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made under the

**Children and Young People Act 2008**

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**1 Name of regulation**

This regulation is the *Children and Young People Regulation 2009*.

**3 Notes**

A note included in this regulation is explanatory and is not part of this regulation.

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

**3AA Register of searches and uses of force—details in relation to search—Act, s 195 (2) (h)**

The register must state in relation to each search if the young detainee is an Aboriginal or Torres Strait Islander person.

**3AB Register of searches and uses of force—inspection—Act, s 195 (5) (g)**

The Aboriginal and Torres Strait Islander children and young people commissioner is prescribed.

**3AC Intensive therapy register—who may have access—Act, s 597 (1) (i)**

The Aboriginal and Torres Strait Islander children and young people commissioner is prescribed.

**3A Meaning of *care and protection purpose*—Act, s 352B, def *care and protection purpose*, par (a) (ii)**

The following purposes are prescribed as care and protection purposes:

- (a) to provide placement prevention, reunification and supported contact services in a—
  - (i) home or community setting; or
  - (ii) residential setting;

- (b) to provide clinical services;
- (c) to provide engagement, empowerment and advocacy services;
- (d) to provide transition to adulthood services.

#### **4      **Meaning of *light work*—Act, s 793 (b)****

*Note 1*    The [Act](#), s 793 defines ***light work*** to mean work that—

- (a) is not contrary to the best interests of a child or young person; and
- (b) is declared by regulation to be light work.

*Note 2*    For the meaning of employment ***contrary to the best interests of a child or young person***—see the [Act](#), s 782.

- (1) Work is ***light work*** if it is work undertaken by a child or young person that is—
  - (a) suitable for the physical, emotional and developmental capacity of the child or young person; and
  - (b) adequately supervised; and
  - (c) done under conditions where appropriate work safety standards to protect the child or young person from exposure to hazards or potential hazards are in place.

- (2) In this section:

***adequately supervised*** means—

- (a) for a child 3 years of age or younger—supervision by a parent or guardian at all times; and
- (b) for a child more than 3 years of age but under 12 years of age—
  - (i) supervision by a parent or guardian; or
  - (ii) supervision by a responsible adult approved by a parent or guardian; and

(c) for a young person—supervision by a responsible adult.

**Examples—light work**

- going on errands
- casual work in or around a private home
- work related to sporting activities such as being an umpire, referee, golf-caddy or court attendant
- clerical work
- work as a cashier
- gardening
- taking care of children in or around a private home
- providing entertainment at a place used for providing entertainment or amusement or at sporting activities
- singing, dancing or playing a musical instrument
- performing in a radio, television or film program or production
- modelling
- a photographic subject, whether still or moving

**5 Decision-maker for internally reviewable decisions—care and protection—Act, s 635A, def *decision-maker***

The director-general is prescribed for a decision mentioned in schedule 1.

**6 Internally reviewable decisions—care and protection—Act, s 635A, def *internally reviewable decision***

The following decisions are prescribed:

- (a) a decision of the director-general mentioned in schedule 1, part 1.2, column 3 exercising a function mentioned in column 2 for the decision;
- (b) a decision of the director-general mentioned in schedule 1, part 1.3, column 3 under a section of the Act mentioned in column 2 for the decision.



**7 Notice of internally reviewable decisions—care and protection—Act, s 635B (a)**

The following people are prescribed:

- (a) for a decision mentioned in schedule 1, part 1.2—a person mentioned in column 4 for the decision;
- (b) for a decision mentioned in schedule 1, part 1.3—a person mentioned in column 4 for the decision.

# **Schedule 1      Internally reviewable decisions—care and protection**

(see s 6 and s 7)

## **Part 1.1      Preliminary**

### **1.1      Definitions—sch 1**

In this schedule:

*Aboriginal or Torres Strait Islander cultural plan*—see the [Act](#), section 513 (3).

*carer*, of child or young person—

- (a) means an out-of-home carer; and
- (b) includes a previous carer and a prospective carer.

## Part 1.2 Care and protection decisions

column 1 item	column 2 function	column 3 decision	column 4 prescribed person
1	short-term parental responsibility provision	decision in relation to support or service to be given to parent of child or young person	<ul style="list-style-type: none"><li>• child or young person</li><li>• parent of child or young person</li></ul>
2	contact provision in relation to deciding who may have contact with child or young person	person to have contact with child or young person	<ul style="list-style-type: none"><li>• person to have contact</li><li>• child or young person</li><li>• parent of child or young person</li><li>• carer of child or young person</li></ul>
3	contact provision in relation to deciding who may have contact with child or young person	person not to have contact with child or young person	<ul style="list-style-type: none"><li>• person not to have contact</li><li>• child or young person</li><li>• parent of child or young person</li><li>• carer of child or young person</li></ul>
4	contact provision in relation to deciding any conditions for person's contact with child or young person	place condition on person's contact with child or young person in relation to frequency or duration of contact	<ul style="list-style-type: none"><li>• person with condition placed on contact</li><li>• child or young person</li><li>• parent of child or young person</li><li>• carer of child or young person</li></ul>

**Schedule 1**  
**Part 1.2**

Internally reviewable decisions—care and protection  
Care and protection decisions

<b>column 1 item</b>	<b>column 2 function</b>	<b>column 3 decision</b>	<b>column 4 prescribed person</b>
5	drug use provision in relation to giving directions about undergoing drug testing	any direction given	<ul style="list-style-type: none"><li>• parent subject to provision</li><li>• person with daily care responsibility for parent's child or young person</li></ul>
6	residence provision to decide where or with whom child or young person must live	placement of child or young person	<ul style="list-style-type: none"><li>• child or young person</li><li>• parent of child or young person</li><li>• carer of child or young person</li></ul>
7	daily care responsibility under <a href="#">Act</a> , s 512	placement of child or young person	<ul style="list-style-type: none"><li>• child or young person</li><li>• parent of child or young person</li><li>• carer of child or young person</li></ul>
8	supervision provision	any decision	<ul style="list-style-type: none"><li>• parent subject to provision</li><li>• person with daily care responsibility for child or young person</li></ul>
9	parental responsibility provision	decision about support for child or young person in relation to their culture	<ul style="list-style-type: none"><li>• child or young person</li><li>• parent of child or young person</li><li>• carer of child or young person</li></ul>

<b>column 1 item</b>	<b>column 2 function</b>	<b>column 3 decision</b>	<b>column 4 prescribed person</b>
10	parental responsibility provision	decision in relation to child's or young person's education	<ul style="list-style-type: none"> <li>• child or young person</li> <li>• parent of child or young person</li> <li>• carer of child or young person</li> </ul>
11	parental responsibility provision	decision in relation to child's or young person's health	<ul style="list-style-type: none"> <li>• child or young person</li> <li>• parent of child or young person</li> <li>• carer of child or young person</li> </ul>
12	parental responsibility provision	decision in relation to child's or young person's religion	<ul style="list-style-type: none"> <li>• child or young person</li> <li>• parent of child or young person</li> <li>• carer of child or young person</li> </ul>
13	Aboriginal or Torres Strait Islander cultural plan	proposal about preservation and enhancement of identity of child or young person	<ul style="list-style-type: none"> <li>• child or young person</li> <li>• parent of child or young person</li> <li>• carer of child or young person</li> </ul>
14	parental responsibility provision in relation to Aboriginal or Torres Strait Islander cultural plan	decision in relation to implementation of plan	<ul style="list-style-type: none"> <li>• child or young person</li> <li>• parent of child or young person</li> <li>• carer of child or young person</li> </ul>
15	<a href="#">Act</a> , s 513	placement of Aboriginal or Torres Strait Islander child or young person in accordance with Aboriginal or Torres Strait Islander cultural plan	<ul style="list-style-type: none"> <li>• child or young person</li> <li>• parent of child or young person</li> <li>• carer of child or young person</li> </ul>

## **Part 1.3 Assistance decisions**

<b>column 1 item</b>	<b>column 2 section</b>	<b>column 3 decision</b>	<b>column 4 prescribed person</b>
1	503	refuse to provide assistance to child or young person	<ul style="list-style-type: none"><li>• child or young person</li><li>• carer of child or young person</li><li>• parent of child or young person</li></ul>
2	529I	refuse to provide assistance to child, young person or young adult	<ul style="list-style-type: none"><li>• child or young person</li><li>• young adult</li><li>• parent of child, young person or young adult</li></ul>
3	529J	refuse to provide financial assistance to child, young person or young adult	<ul style="list-style-type: none"><li>• child or young person</li><li>• young adult</li></ul>
4	529JA	refuse to provide financial assistance to previous out-of-home carer of young adult	<ul style="list-style-type: none"><li>• young adult</li><li>• previous out-of-home carer</li></ul>

## Dictionary

*Note* Terms used in this regulation have the same meaning that they have in the [Children and Young People Act 2008](#). For example, the following terms are defined in the [Children and Young People Act 2008](#), dict:

- Aboriginal and Torres Strait Islander children and young people commissioner
- Aboriginal or Torres Strait Islander person
- child (see s 11)
- daily care responsibility (see s 19)
- out-of-home carer (see s 508)
- parent (see s 16 (2))
- young adult
- young person (see s 12).

***Aboriginal or Torres Strait Islander cultural plan***, for schedule 1 (Internally reviewable decisions—care and protection)—see the [Act](#), section 513 (3).

***carer***, of child or young person, for schedule 1 (Internally reviewable decisions—care and protection)—see schedule 1, section 1.1.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the [Legislation Act 2001](#), part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired



### 3 Legislation history

#### **Children and Young People Regulation 2009 SL2009-37**

notified LR 16 July 2009

s 1, s 2 commenced 16 July 2009 (LA s 75 (1))

remainder commenced 17 July 2009 (s 2 and see [Children and Young People Act 2008](#) A2008-19 s 2)

as amended by

#### **[Children and Young People Amendment Regulation 2015 \(No 1\)](#) SL2015-32**

notified LR 14 October 2015

s 1, s 2 commenced 14 October 2015 (LA s 75 (1))

remainder commenced 15 October 2015 (s 2)

#### **[Aboriginal and Torres Strait Islander Children and Young People Commissioner Act 2022](#) A2022-25 sch 1 pt 1.2**

notified LR 14 December 2022

s 1, s 2 commenced 14 December 2022 (LA s 75 (1))

sch 1 pt 1.2 commenced 15 December 2022 (s 2)

#### **[Justice \(Age of Criminal Responsibility\) Legislation Amendment Act 2023](#) A2023-45 sch 1 pt 1.2**

notified LR 15 November 2023

s 1, s 2 commenced 15 November 2023 (LA s 75 (1))

sch 1 pt 1.2 commenced 27 March 2024 (s 2 (2) (a))

#### **[Children and Young People Amendment Act 2024 \(No 2\)](#) A2024-34 pt 3**

notified LR 10 July 2024

s 1, s 2 commenced 10 July 2024 (LA s 75 (1))

pt 3 commenced 1 July 2025 (s 2 (2))

## Endnotes

4 Amendment history

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### 4 Amendment history

#### Commencement

s 2 om LA s 89 (4)

#### Register of searches and uses of force—details in relation to search—Act, s 195 (2) (h)

s 3AA ins [A2022-25](#) amdt 1.61

#### Register of searches and uses of force—inspection—Act, s 195 (5) (g)

s 3AB ins [A2022-25](#) amdt 1.61

#### Intensive therapy register—who may have access—Act, s 597 (1) (i)

s 3AC hdg sub [A2023-45](#) amdt 1.26

s 3AC ins [A2022-25](#) amdt 1.61

#### Meaning of *care and protection purpose*—Act, s 352B, def *care and protection purpose*, par (a) (ii)

s 3A ins [SL2015-32](#) s 4

#### Decision-maker for internally reviewable decisions—care and protection—Act, s 635A, def *decision-maker*

s 5 ins [A2024-34](#) s 40

#### Internally reviewable decisions—care and protection—Act, s 635A, def *internally reviewable decision*

s 6 ins [A2024-34](#) s 40

#### Notice of internally reviewable decisions—care and protection—Act, s 635B (a)

s 7 ins [A2024-34](#) s 40

#### Internally reviewable decisions—care and protection

sch 1 hdg ins [A2024-34](#) s 41

#### Preliminary

sch 1 pt 1.1 hdg ins [A2024-34](#) s 41

#### Definitions—sch 1

s 1.1 ins [A2024-34](#) s 41

def *Aboriginal or Torres Strait Islander cultural plan*

ins [A2024-34](#) s 41

def *carer* ins [A2024-34](#) s 41

#### Care and protection decisions

sch 1 pt 1.2 ins [A2024-34](#) s 41

#### Assistance decisions

sch 1 pt 1.3 ins [A2024-34](#) s 41

**Dictionary**

dict

ins [A2022-25](#) amdt 1.62am [A2024-34](#) s 42def ***Aboriginal or Torres Strait Islander cultural plan***ins [A2024-34](#) s 43def ***carer*** ins [A2024-34](#) s 43

Endnotes

5 Earlier republishings

Some earlier republishings were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republishings have also been published in printed format. These republishings are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 17 July 2009	17 July 2009– 14 Oct 2015	not amended	new regulation
R2 15 Oct 2015	15 Oct 2015– 14 Dec 2022	<a href="#">SL2015-32</a>	amendments by <a href="#">SL2015-32</a>
R3 15 Dec 2022	15 Dec 2022– 26 Mar 2024	<a href="#">A2022-25</a>	amendments by <a href="#">A2022-25</a>
R4 27 Mar 2024	27 Mar 2024– 30 June 2025	<a href="#">A2023-45</a>	amendments by <a href="#">A2023-45</a>