



Australian Capital Territory

Children and Young People Amendment Act 2015 (No 2)

A2015-22

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Australian Capital Territory

Children and Young People Amendment Act 2015 (No 2)

A2015-22

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 Name of Act

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

2 Commencement

This Act commences on 1 July 2015.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the *Children and Young People Act 2008*.

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

4 Who is a *suitable entity*? Section 61, definition of *suitable entity*, examples

substitute

Examples—suitable entities for purposes stated in Act

- 1 family group conference facilitators (see s 78)
- 2 approved care and protection organisations (see s 352C)
- 3 responsible person for an approved care and protection organisation (see s 352D)
- 4 kinship carers (see s 516)
- 5 foster carers for a stated child or young person (see s 518)
- 6 foster carers for any child or young person (see s 519)
- 7 childcare service proprietors and controlling people (see s 746)
- 8 researchers and others having contact with children or young people for a research project (see s 809)

**5 Entity may apply to be suitable entity for purpose
New section 62 (2) and (3)**

after the note, insert

- (2) The director-general may make guidelines about applications (the *suitability approval application guidelines*).
- (3) A suitability approval application guideline is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

**6 Director-general must consider suitability information,
etc
New section 64 (3)**

before the note, insert

- (3) In deciding whether an organisation is a suitable entity for a care and protection purpose, the director-general must consider whether the organisation—
 - (a) complies, and is likely to continue to comply, with the care and protection organisation standards; and
 - (b) is likely to have at least 1 responsible person for the organisation at all times during the term of the approval.

Note 1 **Care and protection organisation standards**—see s 887.
Care and protection purpose, for an organisation—see s 352B.
Organisation—see s 352A.
Responsible person, for an approved care and protection organisation—see s 352D.

7 **Suitable entities register**
Section 72, note

substitute

Note 1 If the entity is an approved care and protection organisation (see s 352C), further details must be recorded in the approved care and protection organisations register (see s 352V).

Note 2 Power to make a statutory instrument includes power to make different provision in relation to different matters or classes of matters (see [Legislation Act](#), s 48).

8 **New part 10.4**

insert

Part 10.4 **Approved care and protection organisations**

Division 10.4.1 **Important concepts**

352A **Meaning of *organisation***

In this Act:

organisation means—

- (a) a corporation; or
- (b) another body prescribed by regulation.

352B Meaning of *care and protection purpose*

In this Act:

care and protection purpose, for an organisation—

- (a) means a purpose—
 - (i) that relates to the exercise of a function under the care and protection chapters; or
 - (ii) prescribed by regulation as a care and protection purpose; but
- (b) does not include a purpose prescribed by regulation to not be a care and protection purpose.

Examples—purpose under the care and protection chapters

- 1 An organisation may be approved as a suitable entity for the purpose of becoming authorised as a foster care service under s 517.
- 2 An organisation may be approved as a suitable entity for the purpose of becoming authorised as a residential care service under s 520 (see s 511).

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).

352C Meaning of *approved care and protection organisation*

In this Act:

approved care and protection organisation means an organisation approved by the director-general under section 63 as a suitable entity for a care and protection purpose.

Note The purpose for which an organisation is approved must be recorded in the suitable entities register (see s 72 (2) (b)).

352D Meaning of *responsible person* for an approved care and protection organisation

In this Act:

responsible person, for an approved care and protection organisation, means an individual approved by the director-general under section 63 as a suitable entity for the purpose of being responsible for the services provided by the organisation in the ACT.

Division 10.4.2 Approved care and protection organisations—ongoing suitability

352E Approved care and protection organisations—responsible person

An approved care and protection organisation must ensure that the organisation has at least 1 responsible person for the organisation at all times during the term of the approval.

352F Approved care and protection organisations—monitoring

- (1) The director-general may monitor an approved care and protection organisation's ongoing suitability to be an approved care and protection organisation.
- (2) In monitoring an organisation's ongoing suitability, the director-general may require the organisation to give a report to the director-general about the organisation's suitability.
- (3) The director-general may make guidelines for monitoring approved care and protection organisations (the *monitoring guidelines*).

- (4) A monitoring guideline is a disallowable instrument.

Note 1 A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

Note 2 If a form is approved under s 886 for this provision, the form must be used.

Division 10.4.3 Approved care and protection organisations—complaints

352G Meaning of *noncompliant*

An approved care and protection organisation is *noncompliant* if the organisation is acting in a way that is inconsistent with the organisation's approval as a suitable entity for the care and protection purpose for which it is approved.

352H Complaints—making a complaint

- (1) If a person believes on reasonable grounds that an approved care and protection organisation is noncompliant, the person may make a complaint to the director-general about the noncompliance.
- (2) A complaint must—
 - (a) be in writing; and
 - (b) be signed by the person (the *complainant*) making the complaint; and
 - (c) include the complainant's name and address.

- (3) However, a complaint—
- (a) may be made orally if the director-general is satisfied on reasonable grounds that exceptional circumstances justify action without a written complaint; and

Example—exceptional circumstances

Waiting until the complaint is put in writing would make action in response to the complaint impossible or impractical.

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).

- (b) need not include the complainant's name and address if the director-general is satisfied on reasonable grounds that exceptional circumstances justify action without the complainant's name and address.
- (4) If a complaint is made orally under subsection (3) (a), the director-general must make a written record of the complaint as soon as practicable.
- (5) If a complaint does not include the complainant's name and address under subsection (3) (b), the director-general need not report to the complainant under—
- (a) section 352K (Complaints—investigation); or
- (b) section 352M (Complaints—action after investigation).
- (6) The director-general may make arrangements for people with particular communication needs to ensure they have adequate opportunity to make a complaint.

352I Complaints—withdrawing a complaint

- (1) A complainant may withdraw the complaint at any time by written notice to the director-general.
- (2) If the complainant withdraws the complaint, the director-general—
 - (a) need not, but may, take further action on the complaint; and
 - (b) if the director-general takes further action—need not report to the complainant under section 352M (Complaints—action after investigation) on the results of taking the action.

352J Complaints—further information or verification

- (1) The director-general may, at any time, require a complainant—
 - (a) to give the director-general further information about the complaint; or
 - (b) to verify all or part of the complaint by statutory declaration.

Note The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

- (2) If the director-general makes a requirement, the director-general must give the complainant a reasonable period of time to satisfy the requirement and may extend that period, whether before or after it ends.
- (3) If the complainant does not comply with a requirement, the director-general need not, but may, take further action on the complaint.

352K Complaints—investigation

- (1) The director-general must take reasonable steps to investigate each complaint the director-general accepts for consideration.
- (2) Before investigating a complaint, the director-general must—
 - (a) tell the complainant, in writing, that the complaint is to be investigated; and
 - (b) tell the approved care and protection organisation the subject of the complaint, in writing—
 - (i) that the director-general has received a complaint about the organisation; and
 - (ii) the details of the complaint; and
 - (iii) that the director-general is going to investigate the complaint; and
 - (iv) that the organisation may make an oral or written submission to the director-general about the complaint.
- (3) However, if the director-general considers that disclosure of a particular detail of the complaint (including the complainant's name or address) may have an adverse effect on the complainant, the director-general—
 - (a) must not disclose the detail; and
 - (b) may instead include a general statement about the detail.

352L Complaints—no further action

The director-general must not take further action on a complaint if satisfied that the complaint—

- (a) lacks substance; or
- (b) is frivolous, vexatious or was not made genuinely; or
- (c) has been adequately dealt with.

352M Complaints—action after investigation

- (1) After investigating a complaint against an approved care and protection organisation, the director-general must—
- (a) if satisfied on reasonable grounds that the organisation is noncompliant—give the organisation—
- (i) a noncompliance notice; or
- (ii) a noncompliance direction; or
- (iii) an intention to cancel notice; and
- Note* **Noncompliance notice**—see s 352N.
Noncompliance direction—see s 352O.
Intention to cancel notice—see s 352Q.
- (b) if not satisfied that the organisation is noncompliant—
- (i) tell the complainant, in writing, that the director-general will not take further action on the complaint; and
- (ii) not take further action on the complaint.
- (2) Subsection (1) (b) (ii) does not prevent the director-general from taking further action on a complaint if the director-general later becomes satisfied that the organisation is noncompliant.

- Note* The director-general need not notify the complainant under s (1) if—
- the complaint does not include the complainant's name and address (see s 352H); or
 - the complainant has withdrawn the complaint (see s 352I).

Division 10.4.4 **Approved care and protection organisations—intervention**

352N Intervention—noncompliance notice

- (1) This section applies if the director-general suspects on reasonable grounds that an approved care and protection organisation is noncompliant or likely to become noncompliant.
- (2) The director-general may give the organisation a notice about the noncompliance (a *noncompliance notice*).
- (3) A noncompliance notice must—
 - (a) be in writing; and
 - (b) state the action that is noncompliant; and
 - (c) describe how the action is noncompliant; and
 - (d) invite the organisation to make an oral or written submission to the director-general about the noncompliance; and

Example

a submission describing how the organisation has changed a procedure to be consistent with the approval

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).

- (e) state a reasonable date (the *due date*) for responding to an invitation in paragraph (d).

Note The power to make an instrument includes the power to amend or repeal the instrument (see [Legislation Act](#), s 46).

3520 Intervention—noncompliance direction

- (1) This section applies if—
 - (a) the director-general—
 - (i) suspects on reasonable grounds that an approved care and protection organisation is noncompliant or likely to become noncompliant; and
 - (ii) considers that the noncompliance would be better dealt with under this section than by giving the organisation a noncompliance notice; or
 - (b) the director-general has given an approved care and protection organisation a noncompliance notice about the noncompliance and the organisation—
 - (i) has not responded during the submission period; or
 - (ii) has responded by the due date but the director-general is satisfied that the organisation is still noncompliant or likely to become noncompliant.
- (2) The director-general may give the organisation a direction to end the noncompliance (a *noncompliance direction*).
- (3) A noncompliance direction must—
 - (a) be in writing; and
 - (b) state the action that is noncompliant; and
 - (c) describe how the action is noncompliant; and
 - (d) state the action to be taken, or not taken, to end the noncompliance; and
 - (e) state a reasonable time for the organisation to comply with the direction; and

- (f) state that the organisation may make an oral or written submission to the director-general about the noncompliance.

Note The power to make an instrument includes the power to amend or repeal the instrument (see [Legislation Act](#), s 46).

352P Intervention—suspension if child or young person unsafe

- (1) This section applies if the director-general believes on reasonable grounds that—
 - (a) a child or young person is receiving a service from an approved care and protection organisation; and
 - (b) the child or young person is unsafe; and
 - (c) the exercise of the director-general’s powers under this section is necessary to protect the child or young person.

Note An authorised person may, at any reasonable time, enter premises where a child or young person is living if the director-general has placed the child or young person with an out-of-home carer under s 512 and the purpose of the entry is to ensure that the child or young person is being properly cared for (see s 815).

- (2) The director-general may give the approved care and protection organisation a written notice (a *safety suspension notice*) suspending 1 or more of the organisation’s approvals under section 63 for care and protection purposes for a period not longer than 28 days.

Note **Care and protection purpose**—see s 352B.

- (3) If an organisation’s approval is suspended by a safety suspension notice and the approval is for the purpose of becoming authorised as a—
 - (a) foster care service under section 517, the organisation’s authorisation under section 517 is also suspended for the period of the safety suspension notice; or

- (b) residential care service under section 520, the organisation's authorisation under section 520 is also suspended for the period of the safety suspension notice.
- (4) A safety suspension notice must include a statement advising the care and protection organisation that the organisation may make a written submission to the director-general about the suspension.
- (5) If the director-general gives a safety suspension notice to an approved care and protection organisation, the director-general must also take reasonable steps to tell a person with daily care responsibility for each child or young person likely to be affected about the suspension.

Note **Daily care responsibility**—see s 19.

352Q Intervention—intention to cancel notice

- (1) This section applies if—
 - (a) the director-general—
 - (i) suspects on reasonable grounds that an approved care and protection organisation is noncompliant or likely to become noncompliant; and
 - (ii) considers that the noncompliance would be better dealt with under this section than by giving the organisation a noncompliance notice or noncompliance direction; or
 - (b) the director-general has given an approved care and protection organisation a noncompliance direction about the noncompliance and the organisation has not complied with the direction.
- (2) The director-general may give the organisation notice that the director-general intends to cancel the organisation's approval (an *intention to cancel notice*).

- (3) An intention to cancel notice must—
- (a) be in writing; and
 - (b) state that the director-general intends to cancel the organisation's approval because of the organisation's failure to comply with the noncompliance direction; and
 - (c) state that the organisation may give a written submission to the director-general showing cause why the organisation's approval should not be cancelled; and
 - (d) state that submissions may be given to the director-general only during the 28 working days after the day the intention to cancel notice is given to the organisation.
- (4) If the director-general gives an intention to cancel notice to an organisation, the director-general must also take reasonable steps to tell a person with daily care responsibility for each child or young person likely to be affected about the notice.

Note **Daily care responsibility**—see s 19.

352R Intervention—cancellation

- (1) This section applies if the director-general gives an approved care and protection organisation an intention to cancel notice under section 352Q.
- (2) If the organisation makes a submission in accordance with the intention to cancel notice, the director-general—
- (a) must consider the submission; and
 - (b) may consider any other relevant matter; and
 - (c) must decide to either—
 - (i) cancel the organisation's approval; or
 - (ii) revoke the intention to cancel notice.

- (3) If the organisation does not make a submission in accordance with the intention to cancel notice, the director-general must cancel the organisation's approval.
- (4) If the director-general decides to revoke the intention to cancel notice, the director-general must tell the following people about the decision:
 - (a) the organisation;
 - (b) anyone else who was told under section 352Q (4) about the intention to cancel notice.

352S Intervention—cancellation notice

- (1) This section applies if the director-general decides to cancel an approved care and protection organisation's approval under section 352R.
- (2) The director-general must give a written notice (a *cancellation notice*) to the organisation, cancelling the approval starting on the date stated in the notice (the *cancellation date*).
- (3) If the director-general gives a cancellation notice to the organisation, the director-general must also take reasonable steps to tell a person with daily care responsibility for each child or young person likely to be affected about the cancellation.

Note **Daily care responsibility**—see s 19.

- (4) The cancellation notice must be given to the organisation at least—
 - (a) 20 working days before the cancellation date; or
 - (b) if the director-general decides another day that is a day before the cancellation date—the other day.

352T Intervention—guidelines

- (1) The director-general may make guidelines for this division (the *intervention guidelines*).
- (2) An intervention guideline is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

Division 10.4.5 Approved care and protection organisations—surrendering approval

352U Surrendering approval

- (1) An approved care and protection organisation may surrender the approval by giving written notice of the surrender to the director-general.

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

- (2) The surrender takes effect only after the director-general notifies the organisation that the surrender has been accepted.

Division 10.4.6 Approved care and protection organisations register

352V Approved care and protection organisations register

- (1) The director-general must keep a record of organisations that are approved care and protection organisations (the *organisations register*).
- (2) The organisations register must include the following details for each approved care and protection organisation:
 - (a) the name of the organisation;
 - (b) the organisation's ABN (if any);

- (c) if the organisation is a corporation—the corporation’s ACN;
 - (d) a unique approval number;
 - (e) the name of the responsible person for the organisation;
 - (f) the care and protection purpose for which the organisation is approved;
 - (g) any of the following given to the organisation:
 - (i) a noncompliance notice;
 - (ii) a noncompliance direction;
 - (iii) a safety suspension notice;
 - (iv) an intention to cancel notice;
 - (v) a cancellation notice;
 - (h) if the organisation’s approval has been cancelled at any time—details of the cancellation;
 - (i) anything else prescribed by regulation.
- (3) The organisations register may include anything else the director-general considers is in the public interest.
- (4) The organisations register may be kept in any form, including electronically, that the director-general decides.
- (5) The director-general must make the organisations register publicly accessible.

Example—publicly accessible

published on the directorate website

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).

9 Definitions—Act
Section 502, definition of *foster care service*

substitute

foster care service—see section 510.

10 Section 502, definition of *out-of-home carer authorisation*

omit

11 Sections 510 and 511

substitute

510 Meaning of *approved foster care organisation, foster care service and foster carer*

In this Act:

approved foster care organisation means an approved care and protection organisation approved as a suitable entity for the purpose of becoming a foster care service.

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

foster carer, for a child or young person, means a person authorised by the director-general under—

- (a) section 518 (Authorisation of foster carer—specific parental authority); or
- (b) section 519 (Authorisation of foster carer—general parental authority).

foster care service means an approved foster care organisation authorised by the director-general under section 517 (Authorisation of foster care service).

511 **Meaning of *approved residential care organisation* and *residential care service***

In this Act:

approved residential care organisation means an approved care and protection organisation approved as a suitable entity for the purpose of becoming a residential care service for a child or young person.

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

residential care service, for a child or young person, means an approved residential care organisation authorised by the director-general under section 520 (Authorisation of residential care service—general parental authority).

12 **Definitions—Act**
Section 515, definitions of *foster care service* and *out-of-home carer authorisation*

omit

13 **Section 517**

substitute

517 **Authorisation of foster care service**

The director-general may authorise an approved foster care organisation to—

- (a) recruit people to become foster carers; and

(b) provide support for foster carers.

Note 1 **Approved foster care organisation**—see s 510.

Note 2 An authorisation under this section is suspended if the organisation's approval is suspended under s 352P.

14 Section 520

substitute

520 Authorisation of residential care service—general parental authority

- (1) The director-general may authorise an approved residential care organisation to exercise—
 - (a) daily care responsibility for any child or young person for whom the director-general has daily care responsibility; or
 - (b) long-term care responsibility for any child or young person for whom the director-general has long-term care responsibility.
- (2) However, the director-general may authorise an organisation only if the organisation agrees to exercise the responsibility for the director-general for any child or young person.
- (3) The organisation must exercise the responsibility subject to any directions of the director-general.

Note An authorisation under this section is suspended if the organisation's approval is suspended under s 352P.

**15 Revocation of foster care service's authorisation
Section 522 (1) and (2)**

substitute

- (1) The director-general must revoke an organisation's authorisation under section 517 as a foster care service if the organisation is no longer an approved foster care organisation.

Note The authorisation is suspended if the organisation's approval is suspended under s 352P.

- (2) The director-general may also revoke an approved foster care organisation's authorisation if the organisation asks the director-general to revoke the authorisation.

16 Section 522 (3)

omit

entity's

substitute

organisation's

17 Section 522 (3)

omit

entity

substitute

organisation

**18 Revocation of residential care service's authorisation
Section 524 (1) and (2)**

substitute

- (1) The director-general may revoke an organisation's authorisation under section 520 as a residential care service if satisfied that the organisation—
- (a) is not an approved residential care organisation; or
 - (b) has not acted as a residential care service in the previous 12 months; or
 - (c) is no longer available to act as a residential care service.

Example—par (c)

an entity closes its places of care in the ACT

Note 1 The authorisation is suspended if the organisation's approval is suspended under s 352P.

Note 2 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).

- (2) The director-general may also revoke an approved residential care organisation's authorisation if the organisation asks the director-general to revoke the authorisation.

19 Section 524 (3)

omit

entity's

substitute

organisation's

20 Section 524 (3)

omit

entity

substitute

organisation

**21 Approval of places of care
Section 525 (1) and notes**

substitute

- (1) The Minister may approve, in writing, a place operated by an approved residential care organisation as a place of care if satisfied that the place complies with, and is likely to continue to comply with, the care and protection organisation standards.

Note *Care and protection organisation standards*—see s 887.

22 Section 525 (6) and note 1

omit

**23 Meaning of *reviewable decision*—div 24.1.3
Section 839, definition of *reviewable decision***

substitute

In this division:

reviewable decision means a decision mentioned in table 839.1, 839.1A, 839.2 or 839.3, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

24 Section 839, table 839.1*substitute***Table 839.1 Review of decisions—ch 2 (Administration)**

| column 1 item | column 2 section | column 3 decision | column 4 organisation |
|--------------------------|-----------------------------|---|----------------------------------|
| 1 | 63 (1) | refuse to approve organisation as suitable entity to be approved care and protection organisation | organisation |
| 2 | 63 (1) | revoke approval of organisation as suitable entity to be approved care and protection organisation | organisation |
| 3 | 63 (1) | refuse to approve individual as suitable entity to be responsible person for approved care and protection organisation | individual or organisation |
| 4 | 63 (1) | revoke approval of individual as suitable entity to be responsible person for approved care and protection organisation | individual or organisation |

Table 839.1A Review of decisions—ch 15 (Care and protection—director-general has aspect of parental responsibility)

| column 1 item | column 2 section | column 3 decision | column 4 entity |
|--------------------------|-----------------------------|--|--|
| 1 | 516 | refuse to authorise person as kinship carer | person |
| 2 | 517 | refuse to authorise approved foster care organisation as foster care service | approved foster care organisation |
| 3 | 518 | refuse to authorise person as foster carer | person |
| 4 | 519 | refuse to authorise person as foster carer | person |
| 5 | 520 | refuse to authorise approved residential care organisation as residential care service | approved residential care organisation |

| column 1 item | column 2 section | column 3 decision | column 4 entity |
|------------------|---------------------|--|--|
| 6 | 522 (4) | revoke authorisation of approved foster care organisation as foster care service | approved foster care organisation |
| 7 | 523 (4) | revoke authorisation of person as foster carer | person |
| 8 | 524 (4) | revoke authorisation of approved residential care organisation as residential care service | approved residential care organisation |
| 9 | 525 (1) | refuse to approve place operated by approved residential care organisation as place of care | approved residential care organisation |
| 10 | 525 (4) | revoke approval of place operated by approved residential care organisation as place of care | approved residential care organisation |

25 **Who is an *information sharing entity*?**
Section 859 (1), definition of *information sharing entity*,
paragraph (d), note

substitute

Note *Foster care service*—see s 510.

26 **Standard-making power**
New section 887 (2) (ab)

after the note, insert

(ab) the operation of approved care and protection organisations
(*care and protection organisation standards*);

Note Approved care and protection organisations are dealt with in
pt 10.4.

27 **New chapter 28**

insert

Chapter 28 **Transitional—Children and
Young People Amendment Act
2015 (No 2)**

976 **Definitions—ch 28**

In this chapter:

as amended means as amended by the *Children and Young People Amendment Act 2015 (No 2)*.

commencement day means the day the *Children and Young People Amendment Act 2015 (No 2)*, section 3 commences.

977 **Approval of entities for certain purposes**

- (1) This section applies if, immediately before the commencement day—
- (a) an approval under section 63 (Director-general may approve suitable entity for purpose) is in force for an entity; and
 - (b) the purpose of the approval is for the entity to become authorised as—
 - (i) a foster care service under section 517 (Authorisation of foster care service); or
 - (ii) a residential care service under section 520 (Authorisation of residential care service—general parental authority).

- (2) On the commencement day—
- (a) the entity is taken to be an approved care and protection organisation; and
- Note* **Approved care and protection organisation**—see s 352C.
- (b) the chief executive officer (however described) of the entity is taken to be the responsible person for the organisation; and
- Note* **Responsible person**, for an approved care and protection organisation—see s 352D.
- (c) section 352V (Approved care and protection organisations register) applies as if the date of the approval were the commencement day.
- (3) The approval expires when the first of the following happens:
- (a) if an expiry day is stated in the approval—the expiry day;
 - (b) the approval is repealed;
 - (c) the director-general issues a new approval under section 63 for the entity for the same purpose;
 - (d) 30 June 2016.

978 Authorisation under s 517

- (1) This section applies if, immediately before the commencement day, an authorisation under section 517 (Authorisation of foster care service) is in force for an entity (an *old foster care service authorisation*).
- (2) The old foster care service authorisation is, on the commencement day, taken to be an authorisation under section 517 (as amended) (a *new foster care service authorisation*)—
 - (a) in the same terms as the old foster care service authorisation; and

- (b) subject to the same conditions as the old foster care service authorisation.
- (3) The new foster care service authorisation expires when the first of the following happens:
 - (a) the authorisation is repealed;
 - (b) the director-general issues an authorisation under section 517 (as amended) for the entity;
 - (c) 30 June 2016.

979 Authorisation under s 520

- (1) This section applies if, immediately before the commencement day, an authorisation under section 520 (Authorisation of residential care service—general parental authority) is in force for an entity (an *old residential care service authorisation*).
- (2) The old residential care service authorisation is, on the commencement day, taken to be an authorisation under section 520 (as amended) (a *new residential care service authorisation*)—
 - (a) in the same terms as the old residential care service authorisation; and
 - (b) subject to the same conditions as the old residential care service authorisation.
- (3) The new residential care service authorisation expires when the first of the following happens:
 - (a) the authorisation is repealed;
 - (b) the director-general issues an authorisation under section 520 (as amended) for the entity;
 - (c) 30 June 2016.

980 Expiry—ch 28

This chapter expires on 30 June 2016.

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

28 Dictionary, note 2

insert

- children and young people commissioner

29 Dictionary, new definitions

insert

approved care and protection organisation—see section 352C.

approved foster care organisation—see section 510.

approved residential care organisation—see section 511.

care and protection organisation standards—see section 887 (2) (ab).

care and protection purpose, for an organisation—see section 352B.

complainant, for division 10.4.3 (Approved care and protection organisations—complaints)—see section 352H.

due date, for a noncompliance notice—see section 352N (3) (e).

30 Dictionary, definitions of *foster care service* and *intention to cancel notice*

substitute

foster care service—see section 510.

intention to cancel notice—

- (a) for division 10.4.4 (Approved care and protection organisations—intervention)—see section 352Q; and
- (b) for chapter 20 (Childcare services)—see section 764 (2).

31 Dictionary, new definitions

insert

noncompliance direction, for division 10.4.4 (Approved care and protection organisations—intervention)—see section 352O.

noncompliance notice, for division 10.4.4 (Approved care and protection organisations—intervention)—see section 352N.

noncompliant, for an approved care and protection organisation, for division 10.4.3 (Approved care and protection organisations—complaints)—see section 352G.

organisation—see section 352A.

32 Dictionary, definition of *out-of-home carer authorisation*

omit

33 Dictionary, definition of *responsible person*

substitute

responsible person—

- (a) for an approved care and protection organisation, for part 10.4 (Approved care and protection organisations)—see section 352D; and
- (b) for a childcare service, for chapter 20 (Childcare services)—see section 738.

Schedule 1 **Consequential amendments**

(see s 3)

Part 1.1 **Working with Vulnerable People (Background Checking) Act 2011**

[1.1] Schedule 1, part 1.1, section 1.1, note

omit

- s 510 (Who is a *foster carer*?);
- s 511 (What is a *residential care service*?);

substitute

- s 510 (Meaning of *approved foster care organisation*, *foster care service* and *foster carer*);
- s 511 (Meaning of *approved residential care organisation* and *residential care service*);

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 7 May 2015.

2 Notification

Notified under the [Legislation Act](#) on 16 June 2015.

3 Republications of amended laws

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

I certify that the above is a true copy of the Children and Young People Amendment Bill 2015 (No 2), which was passed by the Legislative Assembly on 4 June 2015.

Clerk of the Legislative Assembly

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