

2001

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Health, Housing and Community Services)

Children and Young People Amendment Bill 2001 (No 2)

A Bill for

An Act to amend the *Children and Young People Act 1999*

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

2001 068B

Section 1

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1 1 Name of Act

This Act is the *Children and Young People Amendment Act 2001 (No 2)*.

2 2 Commencement

This Act is taken to have commenced on 10 May 2001.

3 3 Act amended

This Act amends the *Children and Young People Act 1999*.

4 4 New chapter 17

insert

Chapter 17 Transitional provisions

419 Meaning of *final care order* and *CSA*

In this chapter:

CSA means the *Children's Services Act 1986*, as in force immediately before 10 May 2000.

final care order means an order made under *CSA*, section 89 (Periodical review of orders) that—

- (a) was in force immediately before 10 May 2001; or
- (b) is made after the commencement of this chapter.

420A Periodical review of orders under *CSA*

- (1) The provisions of *CSA* continue to apply in relation to an application for a review under section 89 of that Act of an order if the application had not been decided immediately before the commencement of this chapter.

- 1 (2) If, apart from this subsection, the order would end before it is
2 reviewed, the order remains in force until reviewed.

3 **421 Certain orders made under CSA**

4 (1) This section applies to a final care order of a kind mentioned in an
5 item in schedule 2, part 2, column 3 that could have been made
6 under the CSA section mentioned in column 2 of that item.

7 (2) The final care order is taken to be a final care and protection order
8 of a type mentioned in column 4 of the item.

9 **422 Access orders under CSA**

10 (1) This section applies if, on making a final care order, the court
11 makes, or made, an order (the *access order*) that a person have
12 access to a child or young person.

13 (2) The access order is taken to be an order under this Act that the child
14 or young person have contact with the person.

15 **423 Certain orders made on CSA s 89 review**

16 A final care and protection order purportedly made on a review
17 under CSA, section 89 (Periodical review of orders) is taken to have
18 been validly made.

19 **424 Timing of review after CSA review**

20 (1) This section applies to—

21 (a) a final care order that is a final care and protection order
22 because of section 421 (Certain orders made under CSA) or
23 section 422 (Access orders under CSA); or

24 (b) a final care and protection order mentioned in section 423.

25 (2) In applying section 267 (3) to the order, the first anniversary of the
26 making of the order after the commencement of this section is taken
27 to be the anniversary of the latest of the following days:

28 (a) the day the order was made;

- 1 (b) if the order was extended or varied—the last day when the
2 order was extended or varied.

3 **425 Notifications**

- 4 (1) If, before the commencement of this Act, a person had notified the
5 director of family services under CSA, section 103 (1), the
6 notification is taken to be a report made to the chief executive under
7 section 158 (Voluntary reporting) of this Act.
- 8 (2) If, before the commencement of this Act, a person had notified the
9 director of family services under CSA, section 103 (2), the
10 notification is taken to be a report made to the chief executive under
11 section 159 (Mandatory reporting) of this Act.
- 12 (3) This section expires 1 month after it commences.

13 **426 Expiry**

- 14 Schedule 2 and this chapter expire 1 year after this chapter
15 commences.

Endnote

Act amended

- 1 Republished as in force on 10 May 2000 (Republication No 1). See also SL 2000
Nos 41 and 49.