

2008

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Children and Young People)

Children and Young People (Consequential Amendments) Bill 2008

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(As presented)

(Minister for Children and Young People)

Children and Young People (Consequential Amendments) Bill 2008

A Bill for

An Act to amend legislation because of the enactment of 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 (Consequential*
3 *Amendments) Act 2008*.

4 **2 Commencement**

- 5 (1) Section 3 and section 4 commence on the day after this Act's
6 notification day.

7 *Note* The naming and commencement provisions automatically commence on
8 the notification day (see Legislation Act, s 75 (1)).

- 9 (2) Schedule 1, part 1.1 commences immediately after the
10 commencement of the *Children and Young People Act 2008*,
11 section 2.

- 12 (3) Schedule 2 and schedule 5, part 5.1 commence on the
13 commencement of the *Children and Young People Act 2008*,
14 chapter 4.

- 15 (4) Schedule 3 and schedule 5, part 5.2 commence on the
16 commencement of the *Children and Young People Act 2008*,
17 chapter 10.

- 18 (5) Schedule 1, parts 1.2, 1.3, 1.4 and 1.5, schedule 4 and schedule 5,
19 part 5.3 commence on the commencement of the *Children and*
20 *Young People Act 2008*, chapter 20.

21 **3 Legislation amended—schs 1–4**

22 This Act amends the legislation mentioned in schedules 1 to 4.

23 **4 Legislation repealed—sch 5**

24 This Act repeals the legislation mentioned in schedule 5.

1 **Schedule 1** **Consequential amendments—**
2 **transitional provisions**
3 (see s 3)

4 **Part 1.1** **Children and Young People Act**
5 **2008**

6 **[1.1]** **New chapter 27**

7 *insert*

8 **Chapter 27** **Transitional**

9 **Part 27.1** **General**

10 **889** **Meaning of *repealed Act*—pt 27.1**

11 In this part:

12 *repealed Act* means the *Children and Young People Act 1999*.

13 **890** **Construction of outdated references**

14 (1) In any Act, instrument made under an Act or a document, a
15 reference to the repealed Act is, in relation to anything to which this
16 Act applies, a reference to this Act.

17 (2) In any Act, instrument made under an Act or a document, a
18 reference to a provision of the repealed Act is, in relation to
19 anything to which this Act applies, a reference to the corresponding
20 provision of this Act.

- 1 (3) In any Act, instrument made under an Act or a document, a
2 reference to anything that is no longer applicable because of the
3 repeal or amendment of the repealed Act by this Act and for which
4 there is a corresponding thing under this Act, is taken to be a
5 reference to the corresponding thing under this Act, if the context
6 allows and if otherwise appropriate.

7 *Note* A reference to an Act includes a reference to the statutory instruments
8 made or in force under the Act, including any regulation (see
9 Legislation Act, s 104).

10 **891 Procedural changes—applications under repealed Act**

11 (1) This section applies if an application made under the repealed Act
12 (the *earlier application*) is, under this chapter, taken to be an
13 application made under this Act.

14 (2) If the earlier application is for an order that does not precisely
15 correspond to an order for which an application may be made under
16 this Act, the earlier application is taken to be for an order the terms
17 of which most closely correspond to the order applied for in the
18 earlier application.

19 (3) If a procedural order has been made in relation to the earlier
20 application, or a procedure has been followed in relation to the
21 earlier application—

22 (a) the order or procedure is taken to be in accordance with this
23 Act; and

24 (b) when the application next comes before the court, the court
25 may give the directions or make the orders in relation to the
26 procedure that it could make in relation to an application under
27 this Act.

28 (4) If—

29 (a) under this Act the earlier application would be required to be
30 given to a person (the *relevant person*); and

- 1 (b) under the repealed Act the relevant person was not required to
2 be given a copy of the application, and the person was not
3 given a copy;
- 4 when the proceeding comes before the court, the court—
- 5 (c) must decide whether the relevant person should be given a
6 copy of the application; and
- 7 (d) may dispense with the requirement without affecting the
8 validity of an order made on the application.

9 **892** **References to orders in force immediately before**
10 **commencement day**

- 11 (1) A reference in this chapter to an order in force under the repealed
12 Act immediately before the commencement day includes a reference
13 to an order that—
- 14 (a) was in force under the *Children's Services Act 1986*
15 immediately before the commencement of the repealed Act;
16 and
- 17 (b) was taken to be an order under the repealed Act because of the
18 operation of the repealed Act, chapter 17 (Transitional
19 provisions); and
- 20 (c) is in force immediately before the commencement day.
- 21 (2) In this section:
- 22 ***commencement day*** means the commencement day that applies to
23 the provision in which the reference to the order appears.

1 **893 Transitional regulations**

- 2 (1) A regulation may prescribe transitional matters necessary or
3 convenient to be prescribed because of the enactment of this Act.
- 4 (2) A regulation may modify this chapter (including in relation to
5 another territory law) to make provision in relation to anything that,
6 in the Executive's opinion, is not, or is not adequately or
7 appropriately, dealt with in this chapter.
- 8 (3) A regulation under subsection (2) has effect despite anything else in
9 this Act or another territory law.

10 **894 Expiry—ch 27**

- 11 (1) This chapter expires 5 years after the day it commences.
- 12 (2) This chapter, other than sections 893, 899, 923, part 27.3, part 27.5
13 and section 969, is a law to which the Legislation Act, section 88
14 (Repeal does not end effect of transitional laws etc) applies.

15 **Part 27.2 Care and protection matters**

16 **895 Definitions—pt 27.2**

17 In this part:

18 *commencement day* means the day the care and protection chapters
19 commence.

20 *repealed Act* means the *Children and Young People Act 1999*, as in
21 force immediately before the commencement day.

1 **896 Parental responsibility generally**

2 To remove any doubt, a person who, immediately before the
3 commencement day, has parental responsibility for a child or young
4 person under the repealed Act, section 18 (Who has parental
5 responsibility?) because a court order is in force in relation to the
6 child or young person in favour of the person, continues to have
7 parental responsibility for the child or young person for the purposes
8 of this Act, division 1.3.2 (Parental responsibility) while the court
9 order is in force.

10 *Note* For parental responsibility following emergency action, see s 922
11 (Emergency action). For the exercise of parental responsibility on
12 behalf of the chief executive, see s 897 and s 898.

13 **897 Agreement for exercise of general parental**
14 **responsibility—in force before commencement day**

- 15 (1) This section applies if—
- 16 (a) before the commencement day, the chief executive entered into
17 an agreement with a carer under the repealed Act,
18 section 30 (1) (Power to enter agreements for general exercise
19 of parental responsibility) to exercise daily care responsibility
20 or long-term care responsibility for any child or young person
21 for whom the chief executive has the responsibility; and
- 22 (b) immediately before the commencement day, the agreement is
23 in force.
- 24 (2) On and after the commencement day—
- 25 (a) if the carer is an individual—the agreement is taken to be an
26 authorisation by the chief executive to the carer to exercise the
27 responsibility under this Act, section 518 (Authorisation of
28 foster carer—general parental authority); and

- 1 (b) if the carer is a body other than a foster care service—the
2 agreement is taken to be an authorisation by the chief executive
3 to the carer to exercise the responsibility under this Act,
4 section 519 (Authorisation of residential care service—general
5 parental authority); and
- 6 (c) if the carer is a foster care service—the agreement is taken to
7 be an authorisation by the chief executive of the carer as a
8 foster care service under this Act, section 516 (Authorisation of
9 foster care service).

10 **898 Authority to exercise parental responsibility for particular**
11 **child or young person—in force before commencement**
12 **day**

- 13 (1) This section applies if—
- 14 (a) before the commencement day, the chief executive has
15 authorised a carer, or a member of kin of a child or young
16 person, under the repealed Act, section 31 (1) (Authorisation to
17 exercise parental responsibility for particular child or young
18 person) to exercise parental responsibility for a child or young
19 person on behalf of the chief executive; and
- 20 (b) immediately before the commencement day, the authorisation
21 is in force.
- 22 (2) On and after the commencement day, the authorisation is taken to
23 be—
- 24 (a) for an authorisation to a member of kin of a child or young
25 person—an authorisation to exercise the responsibility for the
26 chief executive under this Act, section 515 (Authorisation of
27 kinship carer—specific parental authority); and

- 1 (b) for an authorisation to a carer—an authorisation to exercise the
2 responsibility for the chief executive under this Act,
3 section 517 (Authorisation of foster carer—specific parental
4 authority).

5 **899 Official visitor—continued appointment**

- 6 (1) The appointment of a person as an official visitor under the repealed
7 Act, section 41 (2) (Official visitor) that is in force immediately
8 before the commencement day is taken to be an appointment under
9 this Act, section 38 and continues in force for 6 months starting on
10 the commencement day unless earlier ended.
11 (2) This section expires 6 months after the day it commences.

12 **900 Official visitor—unfinished complaints**

- 13 (1) This section applies if—
14 (a) before the commencement day, a child or young person has
15 made a complaint to the official visitor under the repealed Act,
16 section 43 (Making and hearing complaints); and
17 (b) immediately before the commencement day, the hearing of the
18 complaint has not been finalised.
19 (2) The complaint is taken to be a complaint made by the child or young
20 person under this Act, section 44 (Complaints to official visitors).

1 **901 Suitable entities**

2 An entity that, immediately before the commencement day, is
3 appointed, engaged, employed or authorised by the chief executive
4 to provide services for a child or young person in accordance with
5 the repealed Act, section 47 (Suitable entities) is taken to be
6 approved as a suitable entity by the chief executive under this Act,
7 section 63 (Chief executive may approve suitable entity for purpose)
8 for the purpose for which the entity was appointed, engaged,
9 employed or authorised.

10 **902 Family group conference agreement—unfinished**
11 **applications for registration**

- 12 (1) This section applies if—
- 13 (a) before the commencement day, the chief executive has applied
14 to the Childrens Court for the registration of a family group
15 conference agreement under the repealed Act, section 175
16 (Application for registration); and
- 17 (b) immediately before the commencement day, the Childrens
18 Court has not decided the application.
- 19 (2) The application is taken to be an application made by the chief
20 executive under this Act, section 389 (2) (Registered family group
21 conference agreement—application).

22 **903 Family group conference agreement—in force before**
23 **commencement day**

- 24 (1) This section applies if, immediately before the commencement day,
25 an agreement about arrangements for securing the care and
26 protection of a child or young person is in force under the repealed
27 Act, section 172 (Agreements arising from conferences).

- 1 (2) On and after the commencement day, the family group conference
2 agreement is taken to be, in accordance with its terms, a family
3 group conference agreement entered into under this Act, chapter 3
4 (Family group conferences).

5 **904 Registered family group conference agreement—in force**
6 **before commencement day**

- 7 (1) This section applies if—
8 (a) before the commencement day, an agreement about
9 arrangements for securing the care and protection of a child or
10 young person under the repealed Act, section 172 has been
11 registered by the Childrens Court under the repealed Act,
12 section 176 (Registration of agreements); and
13 (b) immediately before the commencement day, the agreement is
14 in force for the child or young person.
15 (2) On and after the commencement day, the family group conference
16 agreement is taken to be, in accordance with its terms, a family
17 group conference agreement entered into under this Act, chapter 3
18 and registered in accordance with this Act, part 12.2 (Registration of
19 family group conference agreements that transfer or share parental
20 responsibility).

21 **Example**

22 the chief executive must implement the arrangements in the agreement in a way
23 that complies with the family group conference standards (see s 90)

24 *Note* An example is part of the Act, is not exhaustive and may extend, but
25 does not limit, the meaning of the provision in which it appears (see
26 Legislation Act, s 126 and s 132).

- 1 **905 Voluntary care agreement—in force before**
2 **commencement day**
- 3 (1) This section applies if, immediately before the commencement day,
4 a voluntary care agreement entered into under the repealed Act,
5 section 182 (Voluntary care agreements) is in force for a child or
6 young person.
- 7 (2) On and after the commencement day, the voluntary care agreement
8 is taken to be, in accordance with its terms, a voluntary care
9 agreement entered into under this Act, part 12.3 (Voluntary
10 agreement to share parental responsibility with chief executive).
- 11 **906 Short care and protection order—unfinished applications**
- 12 (1) This section applies if—
- 13 (a) before the commencement day, the chief executive or another
14 person has applied to the Childrens Court under the repealed
15 Act, section 195 (Basis for orders) for a short care and
16 protection order (other than a therapeutic protection order) in
17 relation to a child or young person; and
- 18 (b) immediately before the commencement day, the Childrens
19 Court has not decided the application.
- 20 *Note* **Short care and protection order** means an assessment order or a contact
21 order, residence order, therapeutic protection order or specific issues
22 order (see repealed Act, s 194).
- 23 (2) The application is taken to be an application for a care and
24 protection order—
- 25 (a) for an application by the chief executive—made by the chief
26 executive under this Act, section 423 (Care and protection
27 order—application by chief executive); and
- 28 (b) for an application by someone else—made by the person under
29 this Act, section 424 (Care and protection order—application
30 by others).

1 **907 Final care and protection order—unfinished applications**

2 (1) This section applies if—

3 (a) before the commencement day, the chief executive or another
4 person has applied to the Childrens Court under the repealed
5 Act, section 195 (Basis for orders) for a final care and
6 protection order (other than a therapeutic protection order) in
7 relation to a child or young person; and

8 (b) immediately before the commencement day, the Childrens
9 Court has not decided the application.

10 *Note* ***Final care and protection order*** means an order under the repealed Act,
11 div 7.3.7 (other than a protection order or interim order), or a contact
12 order, residence order or therapeutic protection order made as a final
13 care and protection order (see repealed Act, s 194).

14 (2) The application is taken to be an application for a care and
15 protection order—

16 (a) for an application by the chief executive—made by the chief
17 executive under this Act, section 423 (Care and protection
18 order—application by chief executive); and

19 (b) for an application by someone else—made by the person under
20 this Act, section 424 (Care and protection order—application
21 by others).

22 **908 Therapeutic protection order—unfinished applications**

23 (1) This section applies if—

24 (a) before the commencement day, an application has been made
25 to the Childrens Court under the repealed Act, section 195
26 (Basis for orders) for a therapeutic care and protection order in
27 relation to a child or young person; and

28 (b) immediately before the commencement day, the Childrens
29 Court has not decided the application.

- 1 (2) The application is taken to be an application made by the chief
2 executive under this Act, section 538 (2) (Therapeutic protection
3 order—application by chief executive).
- 4 (3) However, subsection (2) applies to the application only if the
5 application under the repealed Act was made by the chief executive.

6 **909 Short care and protection order—in force before**
7 **commencement day**

- 8 (1) This section applies if, immediately before the commencement day,
9 a short care and protection order under the repealed Act,
10 division 7.3.2 (Short care and protection orders) is in force for a
11 child or young person.
- 12 (2) On and after the commencement day, the order is taken to be, in
13 accordance with its terms—
- 14 (a) for a short care and protection order that is a specific issues
15 order under the repealed Act, section 194 (Definitions for
16 ch 7)—
- 17 (i) if the order relates to a person's drug use—a care and
18 protection order with a drug use provision under this Act,
19 section 463 (2) (b) (Care and protection order—criteria
20 for making); and
- 21 (ii) otherwise—a care and protection order with a specific
22 issues provision under section 463 (2) (h); and
- 23 (b) for a short care and protection order that is a contact order
24 under the repealed Act, section 206 (2) (Contact orders)—a
25 care and protection order with a contact provision; and
- 26 (c) for a short care and protection order that is a residence order
27 under the repealed Act, section 207 (Residence orders)—a care
28 and protection order with a residence provision; and

- 1 (d) for a short care and protection order that is an assessment order
2 under the repealed Act, section 217 (2) (Assessment orders)—
3 an assessment order; and
- 4 (e) for a short care and protection order that is a therapeutic
5 protection order under the repealed Act, section 235
6 (Therapeutic protection orders)—a therapeutic protection
7 order.
- 8 (3) A short care and protection order that is taken to be an order under
9 this section ends when it would have ended if the repealed Act had
10 not been repealed unless it is revoked sooner.

11 **910 Care and protection orders—unfinished**
12 **cross-applications**

- 13 (1) This section applies if—
- 14 (a) before the commencement day, a party to a proceeding for a
15 care and protection order has made a cross-application under
16 the repealed Act, section 201 (Cross-applications for care and
17 protection orders); and
- 18 (b) immediately before the commencement day, the Childrens
19 Court has not decided the cross-application.
- 20 (2) The application is taken to be an application by the party under this
21 Act, section 427 (Care and protection order—cross-application for
22 different provisions).

23 **911 Interim care and protection orders—in force before**
24 **commencement day**

- 25 (1) This section applies if, immediately before the commencement day,
26 an interim care and protection order (other than an interim
27 therapeutic protection order) under the repealed Act, section 203
28 (Interim care and protection orders) is in force for a child or young
29 person.

- 1 (2) On and after the commencement day, the interim care and protection
2 order is taken to be, in accordance with its terms, an interim care
3 and protection order under this Act, section 432 (2) (Interim
4 matters—interim care and protection orders).

5 **912 Interim therapeutic protection orders—in force before**
6 **commencement day**

- 7 (1) This section applies if, immediately before the commencement day,
8 an interim care and protection order that is a therapeutic protection
9 order under the repealed Act, section 203 (Interim care and
10 protection orders) is in force for a child or young person.

- 11 (2) On and after the commencement day, the interim care and protection
12 order is taken to be, in accordance with its terms, an interim
13 therapeutic protection order under this Act, section 543 (Interim
14 therapeutic protection order—criteria for making).

15 **913 Interim protection orders—in force before**
16 **commencement day**

- 17 (1) This section applies if, immediately before the commencement day,
18 an interim protection order under the repealed Act, section 205
19 (When Childrens Court may make interim protection order) is in
20 force for a child or young person.

- 21 (2) On and after the commencement day, the interim protection order is
22 taken to be, in accordance with its terms, a DVPO interim protection
23 order under this Act, section 458 (DVPO interim protection orders).

24 **914 Final protection orders—in force before commencement**
25 **day**

- 26 (1) This section applies if, immediately before the commencement day,
27 a final protection order under the repealed Act, section 205A (When
28 Childrens Court may make final protection order) is in force for a
29 child or young person.

1 (2) On and after the commencement day, the final protection order is
2 taken to be, in accordance with its terms, a DVPO final protection
3 order under this Act, section 459 (DVPO final protection orders).

4 **915 Contact orders—in force before commencement day**

5 (1) This section applies if, immediately before the commencement day,
6 a contact order under the repealed Act, section 206 (Contact orders)
7 is in force for a child or young person.

8 (2) On and after the commencement day, the contact order is taken to
9 be, in accordance with its terms, a care and protection order with a
10 contact provision under this Act, section 463 (2) (Care and
11 protection order—criteria for making).

12 **916 Residence orders—in force before commencement day**

13 (1) This section applies if, immediately before the commencement day,
14 a residence order under the repealed Act, section 207 (Residence
15 orders) is in force for a child or young person.

16 (2) On and after the commencement day, the residence order is taken to
17 be, in accordance with its terms, a care and protection order with a
18 residence provision under this Act, section 463 (2) (Care and
19 protection order—criteria for making).

20 **917 Short care and protection order—unfinished applications**
21 **for extension or variation**

22 (1) This section applies if—

23 (a) before the commencement day, the chief executive or another
24 person has applied to the Childrens Court under the repealed
25 Act, section 214 (Extension, variation or revocation of orders)
26 for an extension or variation of a short care and protection
27 order (other than a therapeutic protection order) in relation to a
28 child or young person; and

1 (b) immediately before the commencement day, the Childrens
2 Court has not decided the application.

3 *Note* **Short care and protection order** means an assessment order or a contact
4 order, residence order, therapeutic protection order or specific issues
5 order (see repealed Act, s 194).

6 (2) The application is taken to be an application for an extension or
7 amendment of a care and protection order made under this Act,
8 section 465 (Care and protection order—extension and amendment
9 applications).

10 **918 Short care and protection order—unfinished applications**
11 **for revocation**

12 (1) This section applies if—

13 (a) before the commencement day, the chief executive or another
14 person has applied to the Childrens Court under the repealed
15 Act, section 214 (Extension, variation or revocation of orders)
16 for the revocation of a short care and protection order (other
17 than a therapeutic protection order) in relation to a child or
18 young person; and

19 (b) immediately before the commencement day, the Childrens
20 Court has not decided the application.

21 *Note* **Short care and protection order** means an assessment order or a contact
22 order, residence order, therapeutic protection order or specific issues
23 order (see repealed Act, s 194).

24 (2) The application is taken to be an application for the revocation of a
25 care and protection order made under this Act, section 466 (Care
26 and protection order—revocation applications).

1 **919 Assessment orders—appraisals—unfinished applications**

- 2 (1) This section applies if—
- 3 (a) before the commencement day, the chief executive has applied
- 4 to the Childrens Court under the repealed Act, section 215 (1)
- 5 (Applications for assessment orders) for an assessment order in
- 6 relation to a child or young person; and
- 7 (b) the assessment sought in the application was a child protection
- 8 appraisal; and
- 9 (c) immediately before the commencement day, the Childrens
- 10 Court has not decided the application.
- 11 (2) The application is taken to be an application for an appraisal order
- 12 made by the chief executive under this Act, section 375 (Appraisal
- 13 orders—application by chief executive).

14 **920 Assessment orders—special assessments—unfinished**

15 **applications**

- 16 (1) This section applies if—
- 17 (a) before the commencement day, an application has been made
- 18 to the Childrens Court for an assessment order in relation to a
- 19 child or young person under the repealed Act, section 215
- 20 (Applications for assessment orders); and
- 21 (b) the assessment sought in the application was a special
- 22 assessment; and
- 23 (c) immediately before the commencement day, the Childrens
- 24 Court has not decided the application.
- 25 (2) The application is taken to be an application for an assessment order
- 26 under this Act, section 442 (Assessment orders—application by
- 27 party).

- 1 (3) However, subsection (2) applies to the application only if the
2 application under the repealed Act was made by the chief executive
3 or another person who is a party to a proceeding for a care and
4 protection order for the child or young person.

5 **921 Assessment orders—in force before commencement day**

- 6 (1) This section applies if immediately before the commencement day,
7 an assessment order under the repealed Act, section 190 (Special
8 assessment) or section 217 (Assessment orders) is in force for a
9 person.
- 10 (2) On and after the commencement day, the assessment order is taken
11 to be, in accordance with its terms—
- 12 (a) for an assessment order authorising the making of a child
13 protection appraisal—an appraisal order under this Act,
14 section 381 (Appraisal orders—criteria for making); and
- 15 (b) for an assessment order authorising a special assessment—an
16 assessment order under this Act, section 447 (Assessment
17 orders—criteria for making).

18 **922 Emergency action**

- 19 (1) This section applies if—
- 20 (a) before the commencement day, the chief executive or a police
21 officer has taken action in relation to a child or young person
22 under the repealed Act, section 222 (Taking emergency
23 action); and
- 24 (b) immediately before the commencement day, the chief
25 executive or police officer has parental responsibility for the
26 child or young person because of the action.

- 1 (2) On and after the commencement day, this Act, chapter 13 applies to
2 the child or young person as if the action were emergency action
3 taken in relation to the child or young person under this Act,
4 part 13.1 (Emergency action).

5 **Examples**

- 6 1 a police officer who took action under the repealed Act continues to have
7 parental responsibility until the police officer tells the chief executive about
8 the emergency action under s 407
9 2 the chief executive makes arrangements for the child's or young person's
10 care and protection under s 410

11 *Note* An example is part of the Act, is not exhaustive and may extend, but
12 does not limit, the meaning of the provision in which it appears (see
13 Legislation Act, s 126 and s 132).

14 **923 Release after emergency action—unfinished applications**

- 15 (1) This section applies if—
16 (a) before the commencement day, a person has applied to the
17 Childrens Court under the repealed Act, section 231
18 (Application for release of child or young person) for an order
19 for the release of a child or young person into the care of the
20 applicant or another named person; and
21 (b) immediately before the commencement day, the Childrens
22 Court has not decided the application.
23 (2) The application is to be heard and decided under the repealed Act as
24 if it had not been repealed.
25 (3) This section expires 30 days after the day it commences.

- 1 **924 Variation or revocation of therapeutic protection order—**
2 **unfinished applications**
- 3 (1) This section applies if—
- 4 (a) before the commencement day, a person has applied to the
5 Childrens Court under the repealed Act, section 239
6 (Application for variation or revocation of therapeutic
7 protection order) for variation or revocation of a therapeutic
8 protection order in relation to a child or young person; and
- 9 (b) immediately before the commencement day, the Childrens
10 Court has not decided the application.
- 11 (2) The application is taken to be an application made by the person
12 under this Act, section 563 (Therapeutic protection order—
13 application for amendment or revocation).
- 14 **925 Interim orders before application adjourned—in force**
15 **before commencement day**
- 16 (1) This section applies if, immediately before the commencement day,
17 an interim order under the repealed Act, section 251 (Before
18 application adjourned) is in force for a child or young person.
- 19 (2) On and after the commencement day, the interim order is taken to
20 be, in accordance with its terms—
- 21 (a) for an order giving interim parental responsibility for the child
22 or young person to the chief executive or someone else—an
23 interim care and protection order with a parental responsibility
24 provision under this Act, section 432 (2) (Interim matters—
25 interim care and protection orders); and
- 26 (b) for a contact order—an interim care and protection order with a
27 contact provision under this Act, section 432 (2); and

- 1 (c) for a specific issues order—
- 2 (i) if the order relates to a person’s drug use—an interim
- 3 care and protection order with a drug use provision under
- 4 this Act, section 432 (2) (b) (Interim matters—interim
- 5 care and protection orders); and
- 6 (ii) otherwise—an interim care and protection order with a
- 7 specific issues provision under section 432 (2) (g); and
- 8 (d) for an assessment order—an assessment order under this Act,
- 9 section 441 (Assessment orders—on application or court’s own
- 10 initiative).

11 **926 Specific issues orders—in force before commencement**

12 **day**

- 13 (1) This section applies if, immediately before the commencement day,
- 14 a specific issues order under the repealed Act, section 246 (3)
- 15 (Specific issues order) is in force for a child or young person.
- 16 (2) On and after the commencement day, the specific issues order is
- 17 taken to be, in accordance with its terms—
- 18 (a) for an order mentioned in the repealed Act,
- 19 section 246 (3) (a)—a care and protection order with a parental
- 20 responsibility provision under this Act, section 463 (2) (f) or
- 21 (g) (Care and protection order—criteria for making); and

22 *Note* Under s 246 (3) (a) a specific issues order may include an order

23 relating to the day-to-day or long-term care, welfare or

24 development of the child or young person.

- 1 (b) for an order mentioned in the repealed Act,
2 section 246 (3) (b)—a care and protection order with a specific
3 issues provision under this Act, section 463 (2) (h); and
- 4 *Note* Under s 246 (3) (b) a specific issues order may include an order
5 requiring an entity to give the chief executive information about
6 the care, protection, welfare or development of the child or young
7 person.
- 8 (c) for an order mentioned in the repealed Act,
9 section 246 (3) (c)—a care and protection order with a
10 residence provision under this Act, section 463 (2) (e); and
- 11 *Note* Under s 246 (3) (c) a specific issues order may include an order
12 directing not to live at the same premises as the child or young
13 person.
- 14 (d) for an order mentioned in the repealed Act,
15 section 246 (3) (d)—a care and protection order with a contact
16 provision under this Act, section 463 (2) (a); and
- 17 *Note* Under s 246 (3) (d) a specific issues order may include an order
18 directing that someone have no contact with the child or young
19 person.
- 20 (e) for an order mentioned in the repealed Act,
21 section 246 (3) (e)—a care and protection order with a mental
22 health tribunal provision under this Act, section 463 (2) (d);
23 and
- 24 *Note* Under s 246 (3) (e) a specific issues order may include an order
25 that the child or young person submit to the jurisdiction of the
26 mental health tribunal for a decision whether the child or young
27 person has a mental impairment.
- 28 (f) for an order mentioned in the repealed Act,
29 section 246 (3) (f)—a care and protection order with a
30 supervision provision under this Act, section 463 (2) (i); and
- 31 *Note* Under s 246 (3) (f) a specific issues order may include an order
32 about supervision of the child or young person.

- 1 (g) for an order mentioned in the repealed Act, section 246 (3) (g)
2 or (h)—
- 3 (i) if the order relates to a person’s drug use—a care and
4 protection order with a drug use provision under this Act,
5 section 463 (2) (b) (Care and protection order—criteria
6 for making); and
- 7 (ii) otherwise—a care and protection order with a specific
8 issues provision under section 463 (2) (h).
- 9 *Note 1* Under s 246 (3) (g) a specific issues order may include an order
10 requiring someone to do, or refraining from doing, a stated thing
11 or observe a stated condition.
- 12 *Note 2* Under s 246 (3) (h) a specific issues order may include any other
13 order the Childrens Court considers appropriate.
- 14 (3) For subsection (2) (a), despite anything else in this Act—
- 15 (a) if the specific issues order does not state a period of effect or is
16 expressed to remain in force until the child or young person is
17 18 years old, the order is taken to be a care and protection
18 order with a long-term parental responsibility provision, in the
19 same terms as the original order, under this Act,
20 section 463 (2) (g); and
- 21 (b) in any other case, the order is taken to be a care and protection
22 order with a short-term parental responsibility provision, in the
23 same terms as the original order, under this Act,
24 section 463 (2) (f).
- 25 **Example**
- 26 A specific issues order that is expressed to be effective for 3 years is taken to be a
27 care and protection order with a short-term parental responsibility provision but
28 will remain in force for the 3 years unless sooner varied.
- 29 *Note* An example is part of the Act, is not exhaustive and may extend, but
30 does not limit, the meaning of the provision in which it appears (see
31 Legislation Act, s 126 and s 132).

- 1 **927** **Variation or revocation of interim care and protection**
2 **orders—unfinished applications**
- 3 (1) This section applies if—
- 4 (a) before the commencement day, a party to a proceeding has
5 applied to the Childrens Court under the repealed Act,
6 section 253 (Variation of interim orders) for variation of an
7 interim order in relation to a child or young person; and
- 8 (b) immediately before the commencement day, the Childrens
9 Court has not decided the application.
- 10 (2) The application is taken to be an application by the party for
11 revocation or amendment of the interim order under this Act,
12 section 434 (Interim care and protection orders—revocation or
13 amendment).
- 14 **928** **Final care and protection orders—in force before**
15 **commencement day**
- 16 (1) This section applies if, immediately before the commencement day,
17 a final care and protection order (other than a therapeutic protection
18 order) under the repealed Act, section 255 is in force for a child or
19 young person.
- 20 (2) On and after the commencement day, the final care and protection
21 order is taken to be, in accordance with its terms—
- 22 (a) for an order mentioned in the repealed Act, section 255 (4) (a)
23 (Final care and protection orders)—a care and protection order
24 with a supervision provision under this Act, section 463 (2) (i)
25 (Care and protection order—criteria for making); and
- 26 *Note* Under s 255 (4) (a) a final care and protection order may include
27 an order that the chief executive supervise the care and protection
28 of the child or young person.

1 (b) for an order mentioned in the repealed Act,
2 section 255 (4) (b)—a care and protection order with a parental
3 responsibility provision under this Act, section 463 (2) (f) or
4 (g); and

5 *Note* Under s 255 (4) (b) a final care and protection order may include
6 an order giving parental responsibility for the child or young
7 person to the chief executive or someone else.

8 (c) for an order mentioned in the repealed Act,
9 section 255 (4) (c)—a care and protection order with an
10 enduring parental responsibility provision under this Act,
11 section 463 (2) (c); and

12 *Note* Under s 255 (4) (c) a final care and protection order may include
13 an enduring parental responsibility order that has effect until the
14 child or young person turns 18.

15 (d) for an order mentioned in the repealed Act,
16 section 255 (4) (d)—a care and protection order with a mental
17 health tribunal provision under this Act, section 463 (2) (d);
18 and

19 *Note* Under s 255 (4) (d) a final care and protection order may include
20 an order that the child or young person submit to the jurisdiction
21 of the mental health tribunal for a decision whether the child or
22 young person has a mental impairment.

23 (e) for an order mentioned in the repealed Act,
24 section 255 (4) (e)—

25 (i) if the order relates to a person's drug use—a care and
26 protection order with a drug use provision under this Act,
27 section 463 (2) (b) (Care and protection order—criteria
28 for making); and

29 (ii) otherwise—a care and protection order with a specific
30 issues provision under section 463 (2) (h).

31 *Note* Under s 255 (4) (e) a final care and protection order may include
32 any other order the Children's Court considers appropriate.

- 1 (3) For subsection (2) (b), despite anything else in this Act—
- 2 (a) if the final care and protection order does not state a period of
- 3 effect or is expressed to remain in force until the child or
- 4 young person is 18 years old, the order is taken to be a care and
- 5 protection order with a long-term parental responsibility
- 6 provision, in the same terms as the original order, under this
- 7 Act, section 463 (2) (g); and
- 8 (b) in any other case, the order is taken to be a care and protection
- 9 order with a short-term parental responsibility provision, in the
- 10 same terms as the original order, under this Act,
- 11 section 463 (2) (f).

12 **Example**

13 A final care and protection order that is expressed to be effective for 3 years is

14 taken to be a care and protection order with a short-term parental responsibility

15 provision but will remain in force for the 3 years unless sooner varied.

16 *Note* An example is part of the Act, is not exhaustive and may extend, but

17 does not limit, the meaning of the provision in which it appears (see

18 Legislation Act, s 126 and s 132).

19 **929 Final care and protection orders (therapeutic**

20 **protection)—in force before commencement day**

- 21 (1) This section applies if, immediately before the commencement day,
- 22 a therapeutic protection order made as a final care and protection
- 23 order under the repealed Act, section 255 is in force for a child or
- 24 young person.
- 25 (2) On and after the commencement day, the final care and protection
- 26 order is taken to be, in accordance with its terms, a therapeutic
- 27 protection order under this Act, section 548 (Therapeutic protection
- 28 order—criteria for making).

- 1 **930 Variation or revocation of final care and protection**
2 **orders—unfinished applications**
- 3 (1) This section applies if—
- 4 (a) before the commencement day, a person has applied to the
5 Childrens Court under the repealed Act, section 264
6 (Application for variation and revocation of orders) for
7 variation or revocation of a final care and protection order
8 (other than a therapeutic protection order) in relation to a child
9 or young person; and
- 10 (b) immediately before the commencement day, the Childrens
11 Court has not decided the application.
- 12 (2) The application is taken to be—
- 13 (a) for an application for variation—an application for extension
14 or amendment of the care and protection order, or a provision
15 in the care and protection order under this Act, section 465
16 (Care and protection order—extension and amendment
17 applications); and
- 18 (b) for an application for revocation—an application for
19 revocation of the care and protection order, or a provision in
20 the care and protection order under this Act, section 466 (Care
21 and protection order—revocation applications).
- 22 **931 Safe custody warrant—unfinished applications**
- 23 (1) This section applies if:
- 24 (a) before the commencement day, an application has been made
25 for a warrant under the repealed Act, section 270 (2)
26 (Circumstances in which child or young person may be taken
27 into safe custody); and
- 28 (b) immediately before the commencement day, a magistrate has
29 not issued the warrant or refused to issue the warrant.

1 (2) The application is taken to be an application for the issue of a
2 warrant under this Act, section 684 (Safe custody warrant—
3 application).

4 **932 Safe custody warrant—in force before commencement**
5 **day**

6 A warrant issued by a magistrate under the repealed Act,
7 section 270 (1) (Circumstances in which child or young person may
8 be taken into safe custody), and that has not lapsed or been executed
9 before the commencement day, is taken to be a warrant issued by a
10 magistrate under this Act, section 685 (Safe custody warrant—
11 criteria).

12 **933 Administrative transfer of orders—in force before**
13 **commencement day**

- 14 (1) This section applies if—
- 15 (a) before the commencement day, the chief executive has
16 transferred a child care and protection order to a participating
17 State under the repealed Act, section 300 (When chief
18 executive may transfer order); and
- 19 (b) immediately before the commencement day, the order is in
20 force.
- 21 (2) On and after the commencement day, the order is taken to be, in
22 accordance with its terms, a child welfare order transferred to the
23 participating State under this Act, section 642 (Chief executive may
24 transfer child welfare order).

1 **934 Transfer of orders—unfinished applications**

- 2 (1) This section applies if—
- 3 (a) before the commencement day, the chief executive has applied
- 4 to the Childrens Court under the repealed Act, section 304 (a)
- 5 (When Childrens Court may make order under div 8.2.2) for
- 6 transfer of a child care and protection order to a participating
- 7 State; and
- 8 (b) immediately before the commencement day, the Childrens
- 9 Court has not decided the application.
- 10 (2) The application is taken to be an application for transfer of the order
- 11 under this Act, section 647 (Childrens Court transfer—application).

12 **935 Childrens Court transfer of orders—in force before**

13 **commencement day**

- 14 (1) This section applies if—
- 15 (a) before the commencement day, the Childrens Court has
- 16 transferred a child care and protection order to a participating
- 17 State under the repealed Act, section 304 (When Childrens
- 18 Court may make order under div 8.2.2); and
- 19 (b) immediately before the commencement day, the order is in
- 20 force.
- 21 (2) On and after the commencement day, the order is taken to be, in
- 22 accordance with its terms, a child welfare order transferred to the
- 23 participating State under this Act, section 648 (Childrens Court
- 24 transfer—criteria).

- 1 **936 Order transferring proceeding—unfinished applications**
- 2 (1) This section applies if—
- 3 (a) before the commencement day, the chief executive has applied
- 4 to the Childrens Court under the repealed Act,
- 5 section 310 (1) (a) (When Childrens Court may make order
- 6 under pt 8.3) for transfer of a child care and protection
- 7 proceeding to a court of a participating State; and
- 8 (b) immediately before the commencement day, the Childrens
- 9 Court has not decided the application.
- 10 (2) The application is taken to be an application for transfer of the
- 11 proceeding under this Act, section 657 (Transfer of ACT
- 12 proceedings—applications).
- 13 **937 Interim orders about transferred proceedings—in force**
- 14 **before commencement day**
- 15 (1) This section applies if—
- 16 (a) before the commencement day, the Childrens Court has
- 17 transferred a child care and protection proceeding to a
- 18 participating State under the repealed Act, part 8.3 (Transfer of
- 19 child care and protection proceedings); and
- 20 (b) the court has made an interim order under the repealed Act,
- 21 section 313 (Interim order); and
- 22 (c) immediately before the commencement day, the interim order
- 23 is in force.
- 24 (2) On and after the commencement day, the interim order is taken to
- 25 be, in accordance with its terms, an interim order under this Act,
- 26 section 660 (Transfer of ACT proceedings—interim orders).

1 **938 Revocation of registration—unfinished applications**

- 2 (1) This section applies if—
- 3 (a) before the commencement day, a person has applied to the
- 4 Childrens Court under the repealed Act, section 318
- 5 (Revocation of registration) for revocation of the registration of
- 6 a child care and protection order filed under the repealed Act,
- 7 section 315 (Filing and registration of interstate documents);
- 8 and
- 9 (b) immediately before the commencement day, the Childrens
- 10 Court has not decided the application.
- 11 (2) The application is taken to be an application for revocation of an
- 12 order under this Act, section 668 (ACT registration of interstate
- 13 orders—application for revocation).

14 **939 Sensitive information and protected information**

- 15 (1) Information that is, immediately before the commencement day,
- 16 sensitive information for the repealed Act, chapter 15
- 17 (Confidentiality and immunity) is sensitive information for this Act.
- 18 (2) Information that is, immediately before the commencement day,
- 19 protected information for the repealed Act, chapter 15
- 20 (Confidentiality and immunity) is protected information for this Act.
- 21 (3) To remove any doubt, chapter 25 (Information secrecy and sharing)
- 22 applies to the information mentioned in subsections (1) and (2).

1 **940 AAT review of decisions**

- 2 (1) On application for review of a decision of the chief executive under
3 the repealed Act, section 384 (Review of decisions), the
4 Administrative Appeals Tribunal must—
- 5 (a) if it proposes to vary the decision under review—vary it in a
6 way that as far as possible is consistent with a power
7 exercisable under this Act; and
- 8 (b) if it proposes to make a decision in substitution for the decision
9 under review—make a decision that could be made by the
10 chief executive under this Act.
- 11 (2) The Administrative Appeals Tribunal may make any decision it
12 considers appropriate to facilitate the application of subsection (1).

13 **Part 27.3 Care and protection matters—**
14 **interim transitionals**

15 **941 Information secrecy and sharing**

- 16 (1) This Act, chapter 25 (Information secrecy and sharing) applies in
17 relation to the giving or seeking of information under the *Children*
18 *and Young People Act 1999* by a person mentioned in that Act,
19 section 405 (a) (Who is an information holder?) in the interim
20 transitional period.
- 21 (2) In this section:
- 22 *interim transitional period* means the period—
- 23 (a) starting when the care and protection chapters commence; and
24 (b) ending when chapter 20 commences.

- 1 **942** **People with parental responsibility**
- 2 (1) In the interim transitional period, a reference in the *Children and*
3 *Young People Act 1999* to a person who has parental responsibility
4 for a child or young person includes a reference to a person who
5 has parental responsibility for a child or young person under this
6 Act, division 1.3.2.
- 7 (2) In this section:
- 8 *interim transitional period* means the period—
- 9 (a) starting when the care and protection chapters commence; and
10 (b) ending when chapter 20 commences.

11 **Part 27.4** **Criminal matters—transfers**

12 **943** **Definitions—pt 27.4**

13 In this part:

14 *commencement day* means the day the criminal matters chapters
15 commence.

16 *repealed Act* means the *Children and Young People Act 1999*, as in
17 force immediately before the commencement day.

18 **944** **Interstate transfers—agreements and arrangements with**
19 **other jurisdictions**

20 (1) This section applies to an agreement in force immediately before the
21 commencement day under the repealed Act, section 133 (General
22 agreements with other jurisdictions).

23 (2) The agreement is taken, on and after the commencement day, to be
24 an agreement under this Act, section 114 (General agreements with
25 other jurisdictions).

- 1 (3) Any arrangements in force under the repealed Act, division 6.3.1
2 (Interstate transfer generally) in relation to the agreement are taken
3 to be arrangements in force under this Act, division 5.2.1 (Interstate
4 transfer generally) in relation to the agreement.

5 **945 Interstate transfers—application for transfer of young**
6 **offender**

- 7 (1) This section applies if, before the commencement day—
8 (a) an application for the transfer of a young offender has been
9 made to the chief executive under the repealed Act,
10 section 135 (1) (Power to arrange for transfers); and
11 (b) the application has not been finally decided.
12 (2) The application is taken to have been made under this Act,
13 section 116 (1) (a) (Power to arrange for transfers).

14 **946 Interstate transfers—order for transfer of young offender**

15 An order made by the chief executive under the repealed Act,
16 section 139 (Transfer order), and in force immediately before the
17 commencement day, is taken to be a transfer order made by the
18 chief executive under this Act, section 119 (Custody of person on
19 transfer order).

20 **947 Interstate transfers—escape during transit through ACT**

- 21 (1) A warrant issued by a magistrate under the repealed Act,
22 section 146 (3) (Escape from temporary control), and that has not
23 lapsed or been executed before the commencement day, is taken to
24 be a warrant issued by a magistrate under this Act, section 129
25 (Escapees to be brought before magistrate).

- 1 (2) An order made by the Magistrates Court or Childrens Court under
2 the repealed Act, section 146 (6) (Escape from temporary control),
3 and in force immediately before the commencement day, is taken to
4 be an order made by the Magistrates Court or Childrens Court under
5 this Act, section 130 (2) (Court may order transfer of apprehended
6 escapees).

7 **948 Interstate transfers—search warrant for escapee**

8 A search warrant issued by a magistrate under the repealed Act,
9 section 147 (Search warrants), and that has not lapsed or been
10 executed before the commencement day, is taken to be a warrant
11 issued by a magistrate under this Act, section 131 (Search warrants
12 for escapees).

13 **949 Interstate transfers—revocation of transfer order**

- 14 (1) This section applies if, before the commencement day—
15 (a) an application for revocation of a transfer order in relation to a
16 young offender has been made to the Childrens Court under the
17 repealed Act, section 148 (1) (Revocation of transfer order on
18 escape from temporary control); and
19 (b) the application has not been finally decided.
20 (2) The application is taken to have been made under this Act,
21 section 132 (1) (Revocation of transfer order—offence during
22 transfer).

23 **950 Interstate transfers—arrangements after revocation of**
24 **transfer order**

25 An arrangement made by the chief executive under the repealed Act,
26 section 149 (Revocation of transfer order by chief executive), and in
27 force on the commencement day, is taken to be an arrangement
28 made under this Act, section 133 (2) (Revocation of transfer order
29 by chief executive).

1 **951 Special purpose leave**

2 Leave of absence granted to a young person under the repealed Act,
3 section 128 (Special purpose leave), and in force on the
4 commencement day, is taken to be a local leave permit given under
5 this Act, section 240 (2) (Local leave permits).

6 **Part 27.5 Criminal matters—interim**
7 **transitionals**

8 **952 Official visitor**

9 (1) In the interim transitional period—

10 (a) a reference in the criminal matters chapters to an official visitor
11 is a reference to the official visitor under the *Children and*
12 *Young People Act 1999*; and

13 (b) that Act, sections 41 to 44 applies for the purposes of the
14 criminal matters chapters as if a reference in that Act,
15 section 42 (1) (a) and (c) to an institution were a reference to a
16 detention place.

17 (2) In this section:

18 *interim transitional period* means the period—

19 (a) starting when the criminal matters chapters commence; and

20 (b) ending when the care and protection chapters commence.

21 **953 Person remanded in a shelter or committed to an**
22 **institution**

23 (1) This section applies if a person is remanded in a shelter, or
24 committed to an institution, under the *Children and Young People*
25 *Act 1999* in the interim transitional period.

1 (2) The person is taken, for the purposes of the criminal matters
2 chapters, to be remanded in, or committed to, a detention place.

3 (3) In this section:

4 *interim transitional period* means the period—

5 (a) starting when the criminal matters chapters commence; and

6 (b) ending when chapter 20 commences.

7 **954 Application of youth justice principles etc**

8 (1) The following provisions of this Act apply for the purposes of
9 decisions made under the *Children and Young People Act 1999*,
10 part 6.2 (Dealing with young offenders in the ACT) in the interim
11 transitional period:

12 (a) section 8 (Best interests of children and young people
13 paramount consideration);

14 (b) section 9 (Principles applying to Act);

15 (c) section 94 (Youth justice principles).

16 (2) In this section:

17 *interim transitional period* means the period—

18 (a) starting when the criminal matters chapters commence; and

19 (b) ending when chapter 20 commences.

20 **955 Application of certain provisions relating to**
21 **administration**

22 (1) The following provisions of the *Children and Young People*
23 *Act 1999* apply for the purposes of this Act in the interim
24 transitional period:

25 (a) section 28 (Who can the chief executive get help from?);

1 (b) section 29 (Power to give and receive information).

2 (2) In this section:

3 *interim transitional period* means the period—

4 (a) starting when the criminal matters chapters commence; and

5 (b) ending when the care and protection chapters commence.

6 **956 Meaning of *daily care responsibility* and *long-term care***
7 ***responsibility***

8 (1) In the interim transitional period, a reference in this Act to daily care
9 responsibility or long-term care responsibility is a reference to
10 parental responsibility within the meaning of the *Children and*
11 *Young People Act 1999*.

12 (2) In this section:

13 *interim transitional period* means the period—

14 (a) starting when the criminal matters chapters commence; and

15 (b) ending when the care and protection chapters commence.

16 **Part 27.6 Childcare services**

17 **957 Definitions—pt 27.6**

18 In this part:

19 *commencement day* means the day the *Children and Young People*
20 *Act 2008*, chapter 20 (Childcare services) commences.

21 *repealed Act* means the *Children and Young People Act 1999*, as in
22 force immediately before the commencement day.

- 1 **958 In-principle approval—unfinished applications**
- 2 (1) This section applies if—
- 3 (a) before the commencement day, a person has applied to the
- 4 chief executive under the repealed Act, section 336
- 5 (Application) for approval in principle to operate a childrens
- 6 service; and
- 7 (b) immediately before the commencement day, the chief
- 8 executive has not decided the application.
- 9 (2) The application is taken to be an application for a childcare service
- 10 licence under this Act, section 742 (Childcare service licence—
- 11 proposed proprietor may apply).
- 12 **959 In-principle approval—in force before commencement**
- 13 **day**
- 14 (1) This section applies if, immediately before the commencement day,
- 15 an approval in principle for a childrens service under the repealed
- 16 Act, section 338 (Grant or refusal of approval in principle) is in
- 17 force.
- 18 (2) On and after the commencement day—
- 19 (a) the approval in principle is taken to be a childcare service
- 20 licence under this Act, section 746 (Childcare service
- 21 licence—decision on application); and
- 22 (b) the approval is not subject to any condition to which it was
- 23 subject under the repealed Act.
- 24 *Note* The licence will be subject to the childcare service standards under
- 25 s 886 (see s 771 (Offence—operate childcare service in contravention of
- 26 standards)).
- 27 (3) An approval in principle that is taken to be a childcare service
- 28 licence under this section ends when it would have ended if the
- 29 repealed Act had not been repealed unless it is cancelled sooner.

- 1 **960** **Licence—unfinished applications**
- 2 (1) This section applies if—
- 3 (a) before the commencement day, a person has applied to the
- 4 chief executive under the repealed Act, section 343
- 5 (Application) for a licence to operate a childrens service; and
- 6 (b) immediately before the commencement day, the chief
- 7 executive has not decided the application.
- 8 (2) The application is taken to be an application for a childcare service
- 9 licence under this Act, section 742 (Childcare service licence—
- 10 proposed proprietor may apply).
- 11 **961** **Licence to operate childrens service—in force before**
- 12 **commencement day**
- 13 (1) This section applies if, immediately before the commencement day,
- 14 a licence to operate a childrens service under the repealed Act,
- 15 section 345 (Grant or refusal of licence) is in force.
- 16 (2) On and after the commencement day—
- 17 (a) the licence is taken to be a childcare service licence under this
- 18 Act, section 746 (Childcare service licence—decision on
- 19 application); and
- 20 (b) the licence is not subject to any condition to which it was
- 21 subject under the repealed Act.
- 22 *Note* The licence will be subject to the childcare service standards under
- 23 s 886 (see s 771 (Offence—operate childcare service in contravention of
- 24 standards)).

1 **962 Licence renewal—unfinished applications**

- 2 (1) This section applies if—
- 3 (a) before the commencement day, a person has applied to the
- 4 chief executive under the repealed Act, section 346
- 5 (Application for renewal) for renewal of a licence to operate a
- 6 childrens service; and
- 7 (b) immediately before the commencement day, the chief
- 8 executive has not decided the application.
- 9 (2) The application is taken to be an application for renewal of a
- 10 childcare service licence under this Act, section 753 (Childcare
- 11 service licence renewal—licensed proprietor may apply).

12 **963 Search warrant—unfinished applications**

- 13 (1) This section applies if—
- 14 (a) before the commencement day, an application has been made
- 15 for a warrant to enter premises under the repealed Act,
- 16 section 357 (1) (Entry to premises of unlicensed service—
- 17 search warrant); and
- 18 (b) immediately before the commencement day, a magistrate has
- 19 not issued the warrant or refused to issue the warrant.
- 20 (2) The application is taken to be an application for the issue of a
- 21 warrant under this Act, section 823 (1) (Warrants generally).

22 **964 Search warrant—in force before commencement day**

23 A warrant to enter premises issued by a magistrate under the

24 repealed Act, section 357 (2) (Entry to premises of unlicensed

25 service—search warrant), and that has not lapsed or been executed

26 before the commencement day, is taken to be a warrant to enter the

27 premises issued by a magistrate under this Act, section 823 (4)

28 (Warrants generally).

- 1 **965 Notice to enforce requirements—in force before**
2 **commencement day**
- 3 (1) This section applies if, immediately before the commencement day,
4 a notice in relation to a childrens service is in force under the
5 repealed Act, section 358 (1) (Notice to enforce requirements) and
6 has not been complied with.
- 7 (2) On and after the commencement day, the notice is taken to be a
8 compliance notice under this Act, section 759 (Childcare service
9 licence—compliance notices).
- 10 **966 Suspension for non-compliance—order in force before**
11 **commencement day**
- 12 (1) This section applies if immediately before the commencement day,
13 either of the following is in force in relation to a childrens service:
- 14 (a) for a childrens service provided under an approval in principle
15 or a licence—a notice suspending the approval or licence under
16 the repealed Act, section 358 (2) (a) (Notice to enforce
17 requirements);
- 18 (b) a direction to the proprietor of the childrens service to stop
19 operating the childrens service and suspend the care of children
20 by the service under the repealed Act, section 358 (2) (b).
- 21 (2) On and after the commencement day, the order is taken to be a
22 compliance suspension notice to the licensed proprietor of the
23 service under this Act, section 760 (Childcare service licence—
24 suspension for noncompliance).

- 1 **967** **Suspension of operation for safety—order in force before**
2 **commencement day**
- 3 (1) This section applies if, immediately before the commencement day,
4 an order that a childrens service stop operating is in force under the
5 repealed Act, section 359 (Power to suspend operation if service
6 unsafe).
- 7 (2) On and after the commencement day, the order is taken to be a
8 safety suspension notice to the licensed proprietor of the service
9 under this Act, section 762 (Childcare service licence—suspension
10 if children unsafe).

11 **Part 27.7** **Employment of children and**
12 **young people**

13 **968** **Definitions—pt 27.7**

14 In this part:

15 **commencement day** means the day the *Children and Young People*
16 *Act 2008*, chapter 21 (Employment of children and young people)
17 commences.

18 **repealed Act** means the *Children and Young People Act 1999*, as in
19 force immediately before the commencement day.

- 1 **969 Work experience—continued exemption**
- 2 (1) This section applies if, immediately before the commencement day,
3 a child or young person is taken not to be employed by a person
4 because of the operation of the repealed Act, section 368A (Work
5 experience not employment).
- 6 *Note* Under s 368A, a child or young person is taken not to be employed by a
7 person if—
- 8 (a) the engagement of the child or young person by the person is
9 arranged by an educational institution where the child or young
10 person is enrolled; and
- 11 (b) the engagement is part of a work experience program (however
12 described) conducted by the educational institution.
- 13 (2) For a period of 6 months beginning on the commencement day, the
14 educational institution where the child or young person is enrolled is
15 taken to have been granted an exemption under this Act, section 783
16 (Work experience program—decision on application) in relation to
17 the work experience program conducted by the educational
18 institution.
- 19 (3) This section expires 6 months after the day it commences.
- 20 **970 Light work—continued application of exception**
- 21 (1) This section applies if—
- 22 (a) immediately before the commencement day a young child is
23 employed for a purpose mentioned in the repealed Act,
24 section 371 (1) (Light work excepted) for longer than 10 hours
25 in 1 week; and
- 26 (b) the employer has given the chief executive a notice in
27 accordance with the repealed Act, section 371 (2) in relation to
28 the employment.
- 29 (2) The employer is taken to have told the chief executive in writing
30 about the employment for this Act, section 795 (2) (Exception to
31 s 794—employment in light work).

1 **971** **Notice regulating employment—in force before**
2 **commencement day**

3 A notice given to an employer by the chief executive under the
4 repealed Act, section 375 (Regulation of employment of children
5 and young people), and in force immediately before the
6 commencement day, is taken to be, in accordance with its terms—

7 (a) for a notice under section 375 (1) (a)—an employment
8 prohibition notice under this Act, section 787; and

9 (b) for a notice under section 375 (1) (b)—an employment
10 conditions notice under this Act, section 789.

11 **Part 27.8** **Enforcement**

12 **972** **Definitions—pt 27.8**

13 In this part:

14 *commencement day* means the day chapter 20 commences.

15 *repealed Act* means the *Children and Young People Act 1999*, as in
16 force immediately before the commencement day.

17 **973** **Search warrant—unfinished applications**

18 (1) This section applies if—

19 (a) before the commencement day, an application has been made
20 for a warrant to enter premises under the repealed Act,
21 section 396 (Search warrants); and

22 (b) immediately before the commencement day, a magistrate has
23 not issued the warrant or refused to issue the warrant.

24 (2) The application is taken to be an application for the issue of a
25 warrant under this Act, section 823 (1) (Warrants generally).

- 1 **974 Search warrant—in force before commencement day**
2 A search warrant issued by a magistrate under the repealed Act,
3 section 396 (Search warrants), and that has not lapsed or been
4 executed before the commencement day, is taken to be a warrant to
5 enter the premises issued by a magistrate under this Act,
6 section 823 (4).

7 **Part 1.2 Court Procedures Act 2004**

8 **[1.2] New part 13**

9 *insert*

10 **Part 13 Transitional—Children and**
11 **Young People Act 2008**

12 **510 Meaning of *commencement day*—pt 13**

13 In this part:

14 *commencement day* means the day the *Children and Young People*
15 *Act 2008*, schedule 1, part 1.2 commences.

16 **511 Notices to attend court proceeding**

- 17 (1) A notice served on a parent under the *Children and Young People*
18 *Act 1999*, section 60 (Attendance of parents at court), and that has
19 not lapsed or been complied with before the commencement day, is
20 taken to be a notice given to the parent under this Act, section 71
21 (When parents must attend court proceedings).
- 22 (2) A warrant issued by the Childrens Court under the *Children and*
23 *Young People Act 1999*, section 60, and that has not lapsed or been
24 executed before the commencement day, is taken to be a warrant
25 issued by the court under this Act, section 71 (When parents must
26 attend court proceedings).

- 1 **512 Existing proceedings**
- 2 (1) The amendments of this Act made by the *Children and Young*
3 *People Act 2008*, schedule 1, part 1.2 apply to an existing
4 proceeding.
- 5 (2) If a difficulty arises in the application of subsection (1) to a
6 particular proceeding, the court may make any order it considers
7 appropriate to resolve the difficulty.
- 8 (3) In this section:
- 9 ***existing proceeding*** means a proceeding started in a court, but not
10 completed, before the commencement of the *Children and Young*
11 *People Act 2008*, schedule 1, part 1.2.
- 12 **513 Transitional regulations**
- 13 (1) A regulation may prescribe transitional matters necessary or
14 convenient to be prescribed because of the enactment of the
15 *Children and Young People Act 2008*, schedule 1, part 1.2 or the
16 *Children and Young People (Consequential Amendments) Act 2008*.
- 17 (2) A regulation may modify this part (including in relation to another
18 territory law) to make provision in relation to anything that, in the
19 Executive’s opinion, is not, or is not adequately or appropriately,
20 dealt with in this part.
- 21 (3) A regulation under subsection (2) has effect despite anything else in
22 this Act or another territory law.
- 23 **514 Expiry—pt 13**
- 24 (1) This part expires 2 years after the day it commences.
- 25 (2) This part, other than section 513, is a law to which the Legislation
26 Act, section 88 (Repeal does not end effect of transitional laws etc)
27 applies.

1 **Part 1.3 Crimes (Sentence**
2 **Administration) Act 2005**

3 **[1.3] New chapter 18**

4 *insert*

5 **Chapter 18 Transitional—Children and**
6 **Young People Act 2008**

7 **700 Meaning of *commencement day*—ch 18**

8 In this chapter:

9 *commencement day* means the day the *Children and Young People*
10 *Act 2008*, schedule 1, part 1.4 commences.

11 **701 Application of amendments—general**

12 (1) The amendments of this Act made by the *Children and Young*
13 *People Act 2008*, schedule 1, part 1.4 apply in relation to a
14 sentenced young offender and his or her sentence, whether the
15 young offender was sentenced before or after the amendments
16 commenced.

17 (2) The amendments of this Act made by the *Children and Young*
18 *People Act 2008*, schedule 1, part 1.4 apply in relation to a young
19 offender remanded in custody, whether the young offender was
20 remanded before or after the amendments commenced.

21 **702 Conditional discharge orders**

22 (1) This section applies if—

23 (a) a conditional discharge order is made under the *Children and*
24 *Young People Act 1999*, part 6.2 in relation to a young person;
25 and

1 (b) immediately before the commencement day, the order is in
2 force.

3 (2) The order is taken to be, in accordance with its terms, a good
4 behaviour order made under the *Crimes (Sentencing) Act 2005*.

5 **703 Fines**

6 (1) This section applies if—

7 (a) an order imposing a fine is made under the *Children and*
8 *Young People Act 1999*, part 6.2 in relation to a young person;
9 and

10 (b) immediately before the commencement day, the fine has not
11 been paid in full.

12 (2) The order is taken to be, in accordance with its terms, a fine order
13 made under the *Crimes (Sentencing) Act 2005*.

14 **704 Reparation or compensation orders**

15 (1) This section applies if—

16 (a) an order is made under the *Children and Young People*
17 *Act 1999*, part 6.2 requiring a young person to make reparation
18 or pay compensation; and

19 (b) immediately before the commencement day, the reparation has
20 not been made, or the compensation has not been paid, in full.

21 (2) The order is taken to be, in accordance with its terms, a reparation
22 order made under the *Crimes (Sentencing) Act 2005*.

23 **705 Probation orders**

24 (1) This section applies if—

25 (a) a probation order is made under the *Children and Young*
26 *People Act 1999*, part 6.2 in relation to a young person; and

1 (b) immediately before the commencement day, the order is in
2 force.

3 (2) The order is taken to be, in accordance with its terms, a good
4 behaviour order with supervision conditions made under the *Crimes*
5 (*Sentencing*) Act 2005.

6 **706 Community service orders**

7 (1) This section applies if—

8 (a) a community service order is made under the *Children and*
9 *Young People Act 1999*, part 6.2 in relation to a young person;
10 and

11 (b) immediately before the commencement day, the order is in
12 force.

13 (2) The order is taken to be, in accordance with its terms, a good
14 behaviour order with community service conditions made under the
15 *Crimes (Sentencing) Act 2005*.

16 **707 Attendance centre orders**

17 (1) This section applies if—

18 (a) an attendance centre order is made under the *Children and*
19 *Young People Act 1999*, part 6.2 in relation to a young person;
20 and

21 (b) immediately before the commencement day, the order is in
22 force.

23 (2) The order is taken to be, in accordance with its terms, a good
24 behaviour order with supervision conditions made under the *Crimes*
25 (*Sentencing*) Act 2005.

1 **708 Residential orders**

- 2 (1) This section applies if—
- 3 (a) a residential order is made under the *Children and Young*
- 4 *People Act 1999*, part 6.2 in relation to a young person; and
- 5 (b) immediately before the commencement day, the order is in
- 6 force.
- 7 (2) The order is taken to be, in accordance with its terms, an
- 8 accommodation order made under the *Crimes (Sentencing)*
- 9 *Act 2005*.

10 **709 Applications for revocation etc**

- 11 (1) This section applies if—
- 12 (a) before the commencement day, an application has been made
- 13 under the *Children and Young People Act 1999*, section 100
- 14 (Variation or revocation of conditional discharge order) or
- 15 section 117 (1) (Revocation and variation of certain orders) in
- 16 relation to an order mentioned in that Act, section 117 (1) (a)
- 17 to (e); and
- 18 (b) immediately before the commencement day, the application
- 19 has not been finally decided.
- 20 (2) The application is taken to be an application under this Act,
- 21 section 112 (Court powers—amendment or discharge of good
- 22 behaviour order).

23 **710 Committal orders**

- 24 (1) This section applies if—
- 25 (a) an order is made under the *Children and Young People*
- 26 *Act 1999*, part 6.2 committing a young person to an institution;
- 27 and

- 1 (b) immediately before the commencement day, the term of the
2 committal had not ended.
- 3 (2) The order is taken to be, in accordance with its terms, an order for
4 imprisonment made under the *Crimes (Sentencing) Act 2005*.
- 5 (3) However, the *Children and Young People Act 1999*, section 127
6 (Remission of time to be spent in institution) continues to apply in
7 relation to the committal of the young person.
- 8 (4) In making a decision under that section in relation to the young
9 person, the chief executive must also have regard to the youth
10 justice principles.
- 11 (5) The chief executive must give the young person prompt written
12 notice of a decision under that section, including that a person
13 aggrieved by the decision may apply for a review of the decision
14 under the *Administrative Decisions (Judicial Review) Act 1989*.
- 15 (6) In this section:
16 *youth justice principles*—see the *Children and Young People*
17 *Act 2008*, section 94.

18 **711 Orders referring to mental health tribunal following**
19 **conviction**

- 20 (1) This section applies if—
- 21 (a) an order is made in accordance with the *Children and Young*
22 *People Act 1999*, section 118 (Referral to mental health
23 tribunal following conviction) in relation to a young person;
24 and
- 25 (b) immediately before the commencement day, the order is in
26 force.
- 27 (2) The order is taken to be, in accordance with its terms, an order made
28 under the *Crimes Act 1900*, section 331 (Referral to tribunal).

1 **712** **Transitional regulations**

- 2 (1) A regulation may prescribe transitional matters necessary or
3 convenient to be prescribed because of the enactment of the
4 *Children and Young People Act 2008*, schedule 1, part 1.4 or the
5 *Children and Young People (Consequential Amendments) Act 2008*.
6 (2) A regulation may modify this chapter (including in relation to
7 another territory law) to make provision in relation to anything that,
8 in the Executive’s opinion, is not, or is not adequately or
9 appropriately, dealt with in this chapter.
10 (3) A regulation under subsection (2) has effect despite anything else in
11 this Act or another territory law.

12 **713** **Expiry—ch 18**

- 13 (1) This chapter expires 5 years after the day it commences.
14 (2) This chapter, other than section 712, is a law to which the
15 Legislation Act, section 88 (Repeal does not end effect of
16 transitional laws etc) applies.

1 **Part 1.4 Crimes (Sentencing) Act 2005**

2 **[1.4] New chapter 11**

3 *insert*

4 **Chapter 11 Transitional—Children and**
5 **Young People Act 2008**

6 **200 Meaning of *commencement day*—ch 11**

7 In this chapter:

8 *commencement day* means the day the *Children and Young People*
9 *Act 2008*, schedule 1, part 1.5 commences.

10 **201 Application of amendments**

11 (1) The amendments of this Act made by the *Children and Young*
12 *People Act 2008*, schedule 1, part 1.5 apply in relation to—

13 (a) the sentencing of a young offender after the commencement
14 day; and

15 (b) any action taken, or to be taken, under this Act after the
16 commencement day in relation to a sentence imposed on a
17 young offender before the commencement day;

18 (2) Subsection (1) applies whether the offence for which the sentence is
19 or was imposed was committed before or after the commencement
20 day.

21 (3) If a difficulty arises in the application of subsection (1) to a
22 particular proceeding that has commenced before the
23 commencement day, the court may make any order it considers
24 appropriate to resolve the difficulty.

1 **202 Transitional regulations**

- 2 (1) A regulation may prescribe transitional matters necessary or
3 convenient to be prescribed because of the enactment of the
4 *Children and Young People Act 2008*, schedule 1, part 1.5 or the
5 *Children and Young People (Consequential Amendments) Act 2008*.
6 (2) A regulation may modify this chapter (including in relation to
7 another territory law) to make provision in relation to anything that,
8 in the Executive's opinion, is not, or is not adequately or
9 appropriately, dealt with in this chapter.
10 (3) A regulation under subsection (2) has effect despite anything else in
11 this Act or another territory law.
12 (4) This section expires 2 years after the day it commences.

13 **203 Expiry—ch 11**

- 14 (1) This chapter expires 5 years after the day it commences.
15 (2) This chapter, other than section 202, is a law to which the
16 Legislation Act, section 88 (Repeal does not end effect of
17 transitional laws etc) applies.

1 **Part 1.5** **Magistrates Court Act 1930**

2 **[1.5] New part 17**

3 *insert*

4 **Part 17** **Transitional—Children and**
5 **Young People Act 2008**

6 **400** **Childrens Court Magistrate**

- 7 (1) A declaration made under the *Children and Young People Act 1999*,
8 section 50 (Childrens Court Magistrate), and in force immediately
9 before the commencement of this Act, chapter 4A (The Childrens
10 Court), is taken to be a declaration under this Act, section 291A
11 (Childrens Court Magistrate).
- 12 (2) However, the declaration is not taken to be a notifiable instrument.
- 13 (3) An assignment made under the *Children and Young People*
14 *Act 1999*, section 51 (Restriction on assignment to act as Childrens
15 Court Magistrate), and in force immediately before the
16 commencement of this Act, chapter 4A, is taken to be an assignment
17 under this Act, section 291B (Acting Childrens Court Magistrate).
- 18 (4) An assignment made under the *Children and Young People*
19 *Act 1999*, section 53A (Assignment of other magistrates to deal with
20 Childrens Court matters), and in force immediately before the
21 commencement of this Act, chapter 4A, is taken to be an assignment
22 under this Act, section 291C (Assignment of other Magistrates for
23 Childrens Court matters).

24 **401** **Existing proceedings in Childrens Court**

- 25 (1) The amendments of this Act made by the *Children and Young*
26 *People Act 2008*, part 1.8 apply to an existing proceeding.

1 (2) If a difficulty arises in the application of subsection (1) to a
2 particular proceeding, the court may make any order it considers
3 appropriate to resolve the difficulty.

4 (3) In this section:

5 *existing proceeding* means a proceeding started in the Childrens
6 Court, but not completed, before the commencement of the *Children*
7 *and Young People Act 2008*, schedule 1, part 1.8.

8 **402 Completion of part-heard matters if magistrate no longer**
9 **Childrens Court magistrate etc**

10 (1) This section applies if—

11 (a) before the commencement day, a magistrate was dealing with a
12 matter under the *Children and Young People Act 1999*,
13 section 53B (Completion of part-heard matters); and

14 (b) immediately before the commencement day, the matter is not
15 finally decided.

16 (2) The magistrate may continue to deal with the matter under this Act,
17 until it is finally decided.

18 **403 Transitional regulations**

19 (1) A regulation may prescribe transitional matters necessary or
20 convenient to be prescribed because of the enactment of the
21 *Children and Young People Act 2008*, schedule 1, part 1.8 or the
22 *Children and Young People (Consequential Amendments) Act 2008*.

23 (2) A regulation may modify this part (including in relation to another
24 territory law) to make provision in relation to anything that, in the
25 Executive's opinion, is not, or is not adequately or appropriately,
26 dealt with in this part.

27 (3) A regulation under subsection (2) has effect despite anything else in
28 this Act or another territory law.

1 **404 Expiry—pt 17**

2 (1) This chapter expires 2 years after the day it commences.

3 (2) This chapter, other than section 403, is a law to which the
4 Legislation Act, section 88 (Repeal does not end effect of
5 transitional laws etc) applies.

1 **Schedule 2** **Consequential amendments—**
2 **criminal matters chapters**

3 (see s 3)

4 **Part 2.1** **Bail Act 1992**

5 **[2.1] Section 23 (1) (b)**

6 *omit*

7 *Children and Young People Act 1999, section 68*

8 *substitute*

9 *Children and Young People Act 2008, section 94 (Youth justice*
10 *principles)*

11 **[2.2] Section 26 (1) (b) (i)**

12 *omit*

13 *Children and Young People Act 1999, section 68*

14 *substitute*

15 *Children and Young People Act 2008, section 94*

16 **[2.3] Section 26 (4) (a) (ii)**

17 *omit*

18 *Children and Young People Act 1999, section 68 (the **relevant***
19 ***principles**)*

20 *substitute*

21 *Children and Young People Act 2008, section 94 (Youth justice*
22 *principles)*

1 **Part 2.2 Children and Young People Act**
2 **1999**

3 **[2.4] Section 68**

4 *omit*

5 **[2.5] Sections 85A to 87**

6 *omit*

7 **[2.6] Division 6.2.4**

8 *omit*

9 **[2.7] Sections 126, 128 and 129**

10 *omit*

11 **[2.8] Part 6.3**

12 *omit*

13 **[2.9] Chapter 13A**

14 *omit*

15 **[2.10] Section 401A and sections 403 to 403B**

16 *omit*

17 **Part 2.3 Coroners Act 1997**

18 **[2.11] Section 3C (1) (a)**

19 *substitute*

20 (a) at a correction centre, lockup or detention place; or

1 **[2.12] Section 3C (1) (g)**

2 *substitute*

3 (g) while subject to a transfer arrangement under the *Children and*
4 *Young People Act 2008*, division 5.2.1 (Interstate transfer
5 generally) or, while in custody under that Act, section 127
6 (Lawful custody for transit through ACT); or

7 **[2.13] Section 3D (f)**

8 *substitute*

9 (f) the chief executive responsible for the *Children and Young*
10 *People Act 2008* or an authorised person under that Act;

11 **Part 2.4** **Corrections Management Act**
12 **2007**

13 **[2.14] Section 77 (8), definition of *relevant chief executive*,**
14 **paragraph (a)**

15 *omit*

16 *Children and Young People Act 1999*

17 *substitute*

18 *Children and Young People Act 2008*

1 **Part 2.5 Court Procedures Act 2004**

2 **[2.15] Section 15 (2) (c) (iv) (B)**

3 *after*

4 *Children and Young People Act 1999*

5 *insert*

6 *or the Children and Young People Act 2008*

7 **[2.16] Section 15 (2) (c) (v) (A)**

8 *after*

9 *Children and Young People Act 1999*

10 *insert*

11 *or the Children and Young People Act 2008*

12 **Part 2.6 Crimes (Child Sex Offenders) Act**
13 **2005**

14 **[2.17] Section 124 (1) (e)**

15 *substitute*

16 (e) detention places under the *Children and Young People*
17 *Act 2008*;

1 **Part 2.7** **Evidence (Miscellaneous**
2 **Provisions) Act 1991**

3 **[2.18] Section 16, definition of *territory court*, new paragraph (h)**

4 *insert*

5 (h) a review officer under the *Children and Young People*
6 *Act 2008*, chapter 9 (Conduct of disciplinary review—general).

7 **Part 2.8** **Food Act 2001**

8 **[2.19] Section 9 (1) (o) (i)**

9 *after*

10 lockup,

11 *insert*

12 a detention place under the *Children and Young People Act 2008*,

13 **Part 2.9** **Human Rights Commission**
14 **Act 2005**

15 **[2.20] Section 8A, example 3**

16 *substitute*

17 3 a service provided in relation to a shelter under the *Children and Young*
18 *People Act 1999* or a detention place under the *Children and Young People*
19 *Act 2008*

1 **Part 2.10** **Juries Act 1967**

2 **[2.21] Schedule 2, part 2.1, item 23**

3 *substitute*

23 an employee at a place declared to be a detention place under
the *Children and Young People Act 2008*, section 141

4 **Part 2.11** **Legislation Act 2001**

5 **[2.22] Dictionary, part 1, new definition of *detention place***

6 *insert*

7 *detention place*—see the *Children and Young People Act 2008*,
8 section 141.

9 **Part 2.12** **Listening Devices Act 1992**

10 **[2.23] New section 3C**

11 *in part 1, insert*

12 **3C Application of Act to detention places**

13 (1) This section applies in relation to an electronic communication,
14 other than a protected electronic communication, between a young
15 detainee in a detention place and someone else.

16 (2) This Act does not apply to any of the following under the *Children*
17 *and Young People Act 2008*:

18 (a) the listening to or recording of the communication;

19 (b) the communication or publication of the communication.

- 1 (3) In this section:
- 2 *electronic communication*—see the *Children and Young People*
3 *Act 2008*, section 199 (Monitoring telephone calls etc).
- 4 *protected electronic communication*—see the *Children and Young*
5 *People Act 2008*, section 199 (Monitoring telephone calls etc).
- 6 *young detainee*—see the *Children and Young People Act 2008*,
7 section 95.

8 **Part 2.13 Public Advocate Act 2005**

9 **[2.24] Section 10 (j)**

- 10 *after*
- 11 *Children and Young People Act 1999*,
- 12 *insert*
- 13 the *Children and Young People Act 2008*,

14 **Part 2.14 Security Industry**
15 **Regulation 2003**

16 **[2.25] Section 6 (3), definition of *custodial officer*, paragraphs**
17 **(b) and (c)**

- 18 *substitute*
- 19 (b) a youth detention officer under the *Children and Young People*
20 *Act 2008*, section 96; or
- 21 (c) a transfer escort (other than a police officer) under the *Children*
22 *and Young People Act 2008*, division 5.2.1; or

1 **Schedule 3** **Consequential amendments—**
2 **care and protection chapters**
3 (see s 3)

4 **Part 3.1** **Adoption Act 1993**

5 **[3.1] Section 17 (2) (a)**

6 *substitute*

7 (a) the person is not an authorised person under the *Children and*
8 *Young People Act 2008*; and

9 **[3.2] Section 36 (4)**

10 *substitute*

11 (4) This section does not apply in relation to a child for whom the chief
12 executive has long-term care responsibility under the *Children and*
13 *Young People Act 2008*.

14 **Part 3.2** **Bail Act 1992**

15 **[3.3] Dictionary, definition of *parental responsibility***

16 *substitute*

17 ***parental responsibility***—a person has ***parental responsibility*** for a
18 child or young person if the person has parental responsibility for
19 the child or young person under the *Children and Young People*
20 *Act 2008*.

21 *Note* Parental responsibility is dealt with in the *Children and Young People*
22 *Act 2008*, div 1.3.2.

1 **Part 3.3** **Charitable Collections**
2 **Regulation 2003**

3 **[3.4] Dictionary, definition of *parental responsibility***

4 *substitute*

5 *parental responsibility*—a person has parental responsibility for a
6 child if the person has parental responsibility for the child under the
7 *Children and Young People Act 2008*, division 1.3.2.

8 **Part 3.4** **Children and Young People Act**
9 **1999**

10 **[3.5] Section 15**

11 *omit*

12 **[3.6] Part 2.3**

13 *omit*

14 **[3.7] Sections 29 to 33**

15 *omit*

16 **[3.8] Sections 41 to 44**

17 *omit*

18 **[3.9] Chapters 7 and 8**

19 *omit*

20 **[3.10] Sections 389 and 390**

21 *omit*

22 **[3.11] Sections 399 to 401**

23 *omit*

1 **[3.12] Section 402 and sections 404 to 406**

2 *omit*

3 **Part 3.5 Civil Law (Property) Act 2006**

4 **[3.13] Section 257 (2) (a)**

5 *substitute*

- 6 (a) the chief executive responsible for administering the *Children*
7 *and Young People Act 2008*, when the chief executive has
8 long-term care responsibility for a child because of that Act; or

9 **Part 3.6 Court Procedures Rules 2006**

10 **[3.14] Rule 3150, definition of *chief executive***

11 *omit*

12 *Children and Young People Act 1999*, chapter 2 (General objects,
13 principles and parental responsibility)

14 *substitute*

15 *Children and Young People Act 2008*

16 **[3.15] Rule 6435 (2) (c) (i)**

17 *omit*

18 *Children and Young People Act 1999*, section 18

19 *substitute*

20 *Children and Young People Act 2008*

1 **Part 3.7** **Crimes (Child Sex Offenders) Act**
2 **2005**

3 **[3.16] Dictionary, definition of *person with parental***
4 ***responsibility***

5 *omit*

6 *Children and Young People Act 1999, section 18*

7 *substitute*

8 *Children and Young People Act 2008, division 1.3.2*

9 **Part 3.8** **Crimes (Restorative Justice) Act**
10 **2004**

11 **[3.17] Section 11, definition of *parent***

12 *omit*

13 *Children and Young People Act 1999, part 2.3 (Parental*
14 *responsibility)*

15 *substitute*

16 *Children and Young People Act 2008, division 1.3.2 (Parental*
17 *responsibility)*

1 **Part 3.9 Crimes (Sentence**
2 **Administration) Act 2005**

3 **[3.18] Section 123 (5), definition of *relevant person***

4 *omit*

5 *Children and Young People Act 1999*, section 18

6 *substitute*

7 *Children and Young People Act 2008*, division 1.3.2

8 **[3.19] Section 133 (6), definition of *relevant person***

9 *omit*

10 *Children and Young People Act 1999*, section 18

11 *substitute*

12 *Children and Young People Act 2008*

13 **[3.20] Section 292 (4) (a)**

14 *omit*

15 *Children and Young People Act 1999*, section 18

16 *substitute*

17 *Children and Young People Act 2008*, division 1.3.2

18 **[3.21] Section 298 (6)**

19 *omit*

20 *Children and Young People Act 1999*, section 18

21 *substitute*

22 *Children and Young People Act 2008*, division 1.3.2

1 **Part 3.10** **Crimes (Sentencing) Act 2005**

2 **[3.22]** **Section 49 (2), definition of *person who has parental***
3 ***responsibility***

4 *substitute*

5 *parental responsibility*—see the *Children and Young People*
6 *Act 2008*, division 1.3.2.

7 **Part 3.11** **Domestic Violence and**
8 **Protection Orders Act 2001**

9 **[3.23]** **Section 32 (1) (a)**

10 *omit*

11 *Children and Young People Act 1999*

12 *substitute*

13 *Children and Young People Act 2008*

14 **[3.24]** **Section 32 (1) (b)**

15 *substitute*

16 (b) at least 1 of the grounds mentioned in that Act,
17 section 459 (1) (b) (DVPO final protection orders) is satisfied;
18 and

- 1 **[3.25] Section 42A, definition of *child facility*, paragraph (c) and**
2 **note**
- 3 *substitute*
- 4 (c) a place of care, a therapeutic protection place, an office or
5 other facility used by or for the Territory for children or young
6 people who are, under the *Children and Young People*
7 *Act 2008*, care and protection chapters, in need of care and
8 protection or in therapeutic protection.
- 9 *Note* The *Children and Young People Act 2008*, s 344 defines a child
10 or young person in need of care and protection.

11 **Part 3.12 Education Act 2004**

- 12 **[3.26] Section 6 (2)**
- 13 *omit*
- 14 *Children and Young People Act 1999*
- 15 *substitute*
- 16 *Children and Young People Act 2008*, division 1.3.2

17 **Part 3.13 Evidence (Miscellaneous**
18 **Provisions) Act 1991**

- 19 **[3.27] Section 7 (d)**
- 20 *substitute*
- 21 (d) a proceeding under the care and protection chapters of the
22 *Children and Young People Act 2008*; or

1 **Part 3.14** **Food Act 2001**

2 **[3.28] Section 9 (1) (o) (i)**

3 *substitute*

- 4 (i) a correctional centre or lockup, or a detention place or
5 therapeutic protection place under the *Children and Young*
6 *People Act 2008*; or

7 **Part 3.15** **Health Records (Privacy and**
8 **Access) Act 1997**

9 **[3.29] Section 14A (a)**

10 *substitute*

- 11 (a) the record or part of a record relates to—
- 12 (i) a child concern report under the *Children and Young*
13 *People Act 2008* (see section 352); or
- 14 (ii) a prenatal report under the *Children and Young People*
15 *Act 2008*, section 361; or
- 16 (iii) information that is care and protection report information
17 within the meaning of the *Children and Young People*
18 *Act 2008*, section 844 (2) (b); or
- 19 (iv) a report under the *Children and Young People Act 1999*,
20 section 158 or section 159; or
- 21 (v) a notification under the *Children's Services Act 1986*,
22 section 103; and

- 1 **[3.30] Dictionary, definition of *guardian*, paragraph (a)**
2 *substitute*
3 (a) for a young person—a parent, a legally appointed guardian of
4 the young person or someone else with parental responsibility
5 for the young person under the *Children and Young People*
6 *Act 2008*, division 1.3.2; or

7 **Part 3.16 Human Rights Commission**
8 **Act 2005**

- 9 **[3.31] Section 8A, example 3**
10 *substitute*
11 3 a service provided in relation to a detention place, therapeutic protection
12 place or place of care under the *Children and Young People Act 2008*

- 13 **[3.32] Section 14 (1) (g)**
14 *omit*
15 *Children and Young People Act 1999*
16 *substitute*
17 *Children and Young People Act 2008*

- 18 **[3.33] Section 51A (1) (b)**
19 *omit*
20 *Children and Young People Act 1999*
21 *substitute*
22 *Children and Young People Act 2008*

1 **Part 3.17** **Juries Act 1967**

2 **[3.34] Schedule 2, part 2.1, item 19**

3 *substitute*

19 an employee at any of the following places:

- (a) a place declared to be a detention place under the *Children and Young People Act 2008*, section 141;
- (b) a place approved as a place of care under the *Children and Young People Act 2008*, section 524;
- (c) a place declared to be a therapeutic protection place under the *Children and Young People Act 2008*, section 624

4 **Part 3.18** **Mental Health (Treatment and**
5 **Care) Act 1994**

6 **[3.35] Section 16 (1) (c)**

7 *substitute*

- 8 (c) required to submit to the jurisdiction of the tribunal by—
- 9 (i) a mental health tribunal provision in a care and protection
10 order or interim care and protection order; or
 - 11 (ii) an interim therapeutic protection order; or

12 **[3.36] Section 25 (1) (a)**

13 *substitute*

- 14 (a) if the person is a child—the people with parental responsibility
15 for the child under the *Children and Young People Act 2008*,
16 division 1.3.2; and

1 **[3.37] Section 70**

2 *substitute*

3 **70 Recommendations about people with mental impairment**

4 (1) This section applies if—

5 (a) the Supreme Court makes an order under the Crimes Act,
6 division 13.3 requiring a person to submit to the jurisdiction of
7 the tribunal to enable the tribunal to make recommendations to
8 the court about how the person should be dealt with; or

9 (b) a court makes an order under the Crimes Act, division 13.5
10 (Referral of mentally impaired people to tribunal after
11 conviction) or division 13.6 (Summary proceedings against
12 mentally impaired people), or under the *Children and Young
13 People Act 1999*, part 6.2 (which is about dealing with young
14 offenders in the ACT), requiring a person to submit to the
15 jurisdiction of the tribunal to enable the tribunal—

16 (i) to determine whether the person has a mental
17 impairment; and

18 (ii) if the tribunal determines that the person has a mental
19 impairment—to make recommendations to the court
20 about how the person should be dealt with.

21 (2) After an inquiry, and as the tribunal thinks appropriate in relation to
22 the person—

23 (a) the tribunal must determine on the balance of probabilities,
24 whether or not the person has a mental impairment; and

25 (b) if the tribunal determines that the person has a mental
26 impairment, the tribunal must make recommendations to the
27 court about how the person should be dealt with.

- 1 **70A** **Recommendations about people with mental illness or**
2 **mental dysfunction**
- 3 (1) This section applies if the Childrens Court makes a care and
4 protection order, interim care and protection order with a mental
5 health tribunal provision or interim therapeutic protection order,
6 under the *Children and Young People Act 2008* requiring a person to
7 submit to the jurisdiction of the tribunal to enable the tribunal—
- 8 (a) to determine whether the person has a mental illness or mental
9 dysfunction; and
- 10 (b) if the tribunal determines that the person has a mental illness or
11 mental dysfunction—to make recommendations to the court
12 about how the person should be dealt with.
- 13 (2) After an inquiry, and as the tribunal thinks appropriate in relation to
14 the person—
- 15 (a) the tribunal must determine on the balance of probabilities,
16 whether or not the person has a mental illness or mental
17 dysfunction; and
- 18 (b) if the tribunal determines that the person has a mental illness or
19 mental dysfunction, the tribunal must make recommendations
20 to the court about how the person should be dealt with.

- 21 **[3.38] Section 71**
- 22 *omit*
- 23 section 68 or section 70
- 24 *substitute*
- 25 section 68, section 70 or section 70A

1 **[3.39] Section 83A (2) (f)**

2 *substitute*

3 (f) making a recommendation under section 70 or section 70A
4 about a person who has a mental impairment, mental illness or
5 mental dysfunction;

6 **[3.40] Dictionary, definition of C&YP chief executive**

7 *substitute*

8 **C&YP chief executive** means the chief executive responsible for the
9 *Children and Young People Act 2008*.

10 **[3.41] Dictionary, new definition of care and protection order**

11 *insert*

12 **care and protection order**—see the *Children and Young People*
13 *Act 2008*, section 421.

14 **[3.42] Dictionary, new definitions**

15 *insert*

16 **interim care and protection order**—see the *Children and Young*
17 *People Act 2008*, section 432.

18 **interim therapeutic protection order**—see the *Children and Young*
19 *People Act 2008*, section 542.

20 **mental health tribunal provision**—see the *Children and Young*
21 *People Act 2008*, section 490.

1 **Part 3.19** **Testamentary Guardianship Act**
2 **1984**

3 **[3.43] Section 5 (2) (a)**

4 *substitute*

5 (a) the chief executive responsible for the *Children and Young*
6 *People Act 2008*; or

7 **Part 3.20** **Tobacco Act 1927**

8 **[3.44] Section 42E (2)**

9 *omit*

10 *Children and Young People Act 1999*

11 *substitute*

12 *Children and Young People Act 2008*, division 1.3.2

13 **[3.45] Section 42E (2), note**

14 *substitute*

15 *Note* If 2 or more people share parental responsibility for a child or young
16 person, any of them may discharge the responsibility (see *Children and*
17 *Young People Act 2008*, s 18 (2)).

1 **Part 3.21** **Victims of Crime (Financial**
2 **Assistance) Act 1983**

3 **[3.46] Dictionary, definition of *guardian***

4 *omit*

5 *Children and Young People Act 1999*, chapter 2 (General objects,
6 principles and parental responsibility)

7 *substitute*

8 *Children and Young People Act 2008*

1 **Schedule 4** **Consequential amendments—**
2 **remainder**

3 (see s 3)

4 **Part 4.1** **Bail Act 1992**

5 **[4.1]** **Section 9D (6), definition of *outstanding*, note, 3rd dot**
6 **point**

7 *omit*

8 **[4.2]** **Section 23 (1) (c)**

9 *omit*

10 *Children and Young People Act 1999*, section 73 (Powers of court in
11 relation to reports)

12 *substitute*

13 *Court Procedures Act 2004*, section 74D (Court may order report
14 about young person)

15 **[4.3]** **New section 25A**

16 *insert*

17 **25A** **Supervision condition when offence committed as young**
18 **person**

19 (1) This section applies if—

20 (a) a condition is imposed on the grant of bail to an accused person
21 under section 25 (4) (e); and

22 (b) the accused person is at least 18 years old but less than
23 21 years old; and

1 (c) the accused person was under 18 years old when the offence to
2 which the grant of bail relates was committed.

3 (2) The chief executive responsible for this Act and the chief executive
4 responsible for the *Children and Young People Act 2008* must
5 decide which of them is to be the responsible chief executive for
6 matters relating to the supervision of the accused person.

7 **[4.4] Section 26 (2) (a)**

8 *omit*

9 *Children and Young People Act 1999*, chapter 6 (Young Offenders)

10 *substitute*

11 *Children and Young People Act 2008*

12 **Part 4.2 Charitable Collections**
13 **Regulation 2003**

14 **[4.5] Section 10, note**

15 *substitute*

16 *Note* For provisions about the employment of children, see the *Children and*
17 *Young People Act 2008*, ch 21.

18 **Part 4.3 Confiscation of Criminal Assets**
19 **Act 2003**

20 **[4.6] Section 15 (1) (c), note 1, 3rd dot point**

21 *omit*

22 **[4.7] Section 15 (1) (c), note 2**

23 *omit*

1 **Part 4.4 Coroners Act 1997**

2 **[4.8] Section 3C (1) (b), new note 2**

3 *insert*

4 *Note 2* A community service order under the *Children and Young People*
5 *Act 1999* (repealed) is taken to be a community service condition
6 of a good behaviour order under the *Crimes (Sentencing)*
7 *Act 2005* (see *Crimes (Sentence Administration) Act 2005*, s 702).

8 **[4.9] Section 3C (1) (c)**

9 *omit*

10 **[4.10] Section 3C (1) (f)**

11 *substitute*

12 (f) while subject to an accommodation order under the *Crimes*
13 *(Sentencing) Act 2005*, section 133Z (Accommodation
14 orders—convicted young offenders only); or

15 **[4.11] Section 3C (4)**

16 *omit*

17 note

18 *substitute*

19 notes

20 **Part 4.5 Court Procedures Act 2004**

21 **[4.12] Section 15 (2) (c) (iv) (B)**

22 *omit*

23 the *Children and Young People Act 1999* or

- 1 **[4.13] Section 15 (2) (c) (v) (A)**
2 *omit*
3 the *Children and Young People Act 1999* or
- 4 **[4.14] Section 41 (2) (a)**
5 *omit*
6 *Children and Young People Act 1999*, section 61 (Proceedings not
7 open to public)
8 *substitute*
9 *Court Procedures Act 2004*, section 72 (Court proceedings
10 involving children or young people not open to public)

11 **Part 4.6 Court Procedures Rules 2006**

- 12 **[4.15] Rule 22 (1), note 2**
13 *omit*
14 (see *Children and Young People Act 1999*, s 53)
15 *substitute*
16 (see *Magistrates Court Act 1930*, s 287)
- 17 **[4.16] Rule 275 (1), example**
18 *substitute*
19 **Example—territory law otherwise providing**
20 The *Court Procedures Act 2004*, s 74E provides that in a proceeding in a court in
21 relation to a child or young person, the child or young person may be represented
22 by a lawyer or litigation guardian, or both.

1 **[4.17] Rule 6000 (1), note 2**

2 *omit*

3 *(see Children and Young People Act 1999, s 53)*

4 *substitute*

5 *(see Magistrates Court Act 1930, s 287)*

6 **Part 4.7 Crimes Act 1900**

7 **[4.18] Section 39 (4)**

8 *omit 1st mention of*

9 child officer

10 *substitute*

11 chief executive responsible for the *Children and Young People*
12 *Act 2008*

13 **[4.19] Section 39 (4)**

14 *omit last mention of*

15 child officer

16 *substitute*

17 chief executive

18 **[4.20] Section 39 (6), definition of *child officer***

19 *omit*

1 **Part 4.8 Crimes (Child Sex Offenders) Act**
2 **2005**

3 **[4.21] Section 7 (1) (d) (ii)**

4 *omit*

5 **[4.22] Section 7 (1) (d) (iii)**

6 *omit*

7 or (ii)

8 **[4.23] Section 9 (1) (a) (ii)**

9 *omit*

10 **[4.24] Section 9 (1) (a) (iii)**

11 *omit*

12 or (ii)

13 **[4.25] Section 17 (2), definition of *sentence***

14 *substitute*

15 *sentence*, for an offence, does not include an order against a young
16 offender under the *Crimes (Sentencing) Act 2005*, section 13, 17, 18,
17 19, or 27.

18 **[4.26] Section 124 (2), definition of *family day care scheme***

19 *substitute*

20 *family day care scheme*—see the *Children and Young People*
21 *Act 2008*, section 733.

1 **[4.27] Dictionary, definition of *community service order***

2 *substitute*

3 *community service order* means a community service order within
4 the meaning of the *Crimes (Sentencing) Act 2005*, section 13 (6)
5 (Good behaviour orders).

6 *Note* An order under the *Crimes Act 1900*, s 408 (Directions to perform
7 work) (repealed) is taken to be a good behaviour order under the *Crimes*
8 *(Sentencing) Act 2005* (see *Crimes (Sentence Administration) Act 2005*,
9 s 339).

10 **Part 4.9 Crimes (Child Sex Offenders)**
11 **Regulation 2005**

12 **[4.28] Section 12 (1) (d) (i)**

13 *omit*

14 *Children and Young People Act 1999*, chapter 1

15 *substitute*

16 *Children and Young People Act 2008*

17 **[4.29] Section 20 (2)**

18 *omit*

19 *Children and Young People Act 1999*, chapter 1

20 *substitute*

21 *Children and Young People Act 2008*

1 **Part 4.10 Crimes (Restorative Justice) Act**
2 **2004**

3 **[4.30] Section 13, definition of *sentence-related order***

4 *substitute*

5 *sentence-related order*, for an offender who is found guilty of an
6 offence, means any of the following orders of the court:

- 7 (a) an order sentencing the offender;
- 8 (b) an order under the *Crimes (Sentencing) Act 2005*, section 12
9 (Suspended sentences) or section 17 (Non-conviction orders—
10 general).

11 **Examples—par (a)**

- 12 1 an order for a sentence of imprisonment
- 13 2 an order for periodic detention under the *Crimes (Sentencing) Act 2005*
- 14 3 a good behaviour order under the *Crimes (Sentencing) Act 2005*, including
15 an order subject to a community service condition

16 *Note 1* Orders under the *Crimes Act 1900*, s 402 (Conditional release of
17 offenders without proceeding to conviction) (repealed) and s 403
18 (Conditional release of offenders) (repealed) are taken to be orders
19 under the *Crimes (Sentencing) Act 2005*, s 12 or s 17 (see *Crimes*
20 *(Sentence Administration) Act 2005*, s 336 to s 338).

21 *Note 2* An example is part of the Act, is not exhaustive and may extend, but
22 does not limit, the meaning of the provision in which it appears (see
23 Legislation Act, s 126 and s 132).

24 **[4.31] Section 22 (2), definition of *chief executive (children and***
25 ***young people)***

26 *omit*

27 *Children and Young People Act 1999*

28 *substitute*

29 *Children and Young People Act 2008*

1 **[4.32] Section 22 (2), definition of *chief executive (restorative***
2 ***justice), example***

3 *omit*

4 *Children and Young People Act 1999*

5 *substitute*

6 *Children and Young People Act 2008*

7 **Part 4.11 Crimes (Sentence**
8 **Administration) Act 2005**

9 **[4.33] Section 217, definition of *ACT sentence of imprisonment***

10 *omit everything after paragraph (c)*

11 **Part 4.12 Crimes (Sentencing) Act 2005**

12 **[4.34] Section 38**

13 *substitute*

14 **38 Sentences of imprisonment and uncompleted young**
15 **offender orders**

16 (1) This section applies in relation to an adult offender if, at the time of
17 sentencing—

18 (a) the adult offender is serving a sentence that was imposed on
19 the person as a young offender (the *previous sentence*); and

20 (b) the court is imposing a sentence that would be likely to bring
21 the offender into contact with other adult offenders.

- 1 (2) The court—
2 (a) must, in deciding the term of the sentence, consider any
3 remaining period during which the previous sentence would
4 remain in force if not discharged under paragraph (b); and
5 (b) may, if appropriate, discharge the previous sentence.

6 **[4.35] Section 70 (2), definition of *sentence of imprisonment***

7 *substitute*

8 *sentence of imprisonment* does not include any nonparole period
9 that has been set for the primary sentence.

10 **Part 4.13 Drugs of Dependence Act 1989**

11 **[4.36] Section 121, definition of *responsible officer*,**
12 **paragraph (a)**

13 *omit*

14 *Children and Young People Act 1999*, chapter 2 (General objects,
15 principles and parental responsibility)

16 *substitute*

17 *Children and Young People Act 2008*

18 **Part 4.14 Education Act 2004**

19 **[4.37] Section 6 (3)**

20 *substitute*

21 (3) In this Act, a *carer* is a person who is an out-of-home carer under
22 the *Children and Young People Act 2008*, section 507 (Who is an
23 *out-of-home carer?*).

1 **[4.38] Section 13, new note**

2 *insert*

3 *Note* The *Children and Young People Act 2008*, ch 21 deals with the
4 employment of children and young people. Chapter 21 is subject to this
5 section.

6 **Part 4.15 Evidence (Miscellaneous**
7 **Provisions) Act 1991**

8 **[4.39] Section 74 (2) (b)**

9 *substitute*

10 (b) an offence against any of the following provisions of the
11 *Children and Young People Act 2008*:

12 (i) section 788 (Offence—contravene employment
13 prohibition notice);

14 (ii) section 790 (Offence—contravene employment
15 conditions notice);

16 (iii) section 802 (Offence—employment of child or young
17 person under school-leaving age in high risk
18 employment);

19 (iv) section 803 (Offence—contravene condition of permit);

1 **Part 4.16 Hawkers Act 2003**

2 **[4.40] Section 4 (d)**

3 *substitute*

4 (d) the sale, delivery or distribution of newspapers by a child or
5 young person that is light work under the *Children and Young*
6 *People Act 2008*, section 792 (What is *light work?*);

7 **Part 4.17 Juries Act 1967**

8 **[4.41] Schedule 2, part 2.1, item 20**

9 *omit*

10 **Part 4.18 Legislation Act 2001**

11 **[4.42] Dictionary, part 1, definition of *Childrens Court***

12 *substitute*

13 *Childrens Court* means the Childrens Court under the *Magistrates*
14 *Court Act 1930*, section 287.

15 **[4.43] Dictionary, part 1, definition of *found guilty*, paragraph (c)**

16 *omit*

17 **Part 4.19 Mental Health (Treatment and**
18 **Care) Act 1994**

19 **[4.44] Section 16 (1) (d)**

20 *omit*

21 or the C&YP Act, chapter 6 (Young offenders)

1 **[4.45] Section 70 (1) (b)**

2 *omit*

3 , or under the *Children and Young People Act 1999*, part 6.2 (which
4 is about dealing with young offenders in the ACT),

5 **[4.46] Section 90 (5) (e) (except the note)**

6 *substitute*

7 (e) be accompanied by a copy of any relevant order under the
8 Crimes Act, part 13 (Unfitness to plead and mental
9 impairment) or under the *Children and Young People*
10 *Act 2008*.

11 **[4.47] Dictionary, definition of C&YP Act**

12 *omit*

13 **[4.48] Dictionary, definition of *offender with a mental***
14 ***impairment***

15 *omit*

16 or the C&YP Act, part 6.2 (which is about dealing with young
17 offenders)

18 **[4.49] Dictionary, definition of *referring officer*, paragraph (b)**

19 *omit*

20 **[4.50] Dictionary, definition of *referring officer*, paragraph (d),**
21 **note**

22 *omit*

23 *Children and Young People Act 1999*, ch 6 (Young Offenders)

24 *substitute*

25 *Children and Young People Act 2008*

1 **Part 4.20 Public Advocate Act 2005**

2 **[4.51] Section 10 (j)**

3 *omit*

4 the *Children and Young People Act 1999*,

5 **Part 4.21 Public Health Regulation 2000**

6 **[4.52] Section 2, note 1**

7 *substitute*

8 *Note 1* The dictionary at the end of this regulation defines certain terms used in
9 this regulation, and includes references (*signpost definitions*) to other
10 terms defined elsewhere in this regulation or in other legislation.

11 For example, the signpost definition '*childcare centre*—see the
12 *Children and Young People Act 2008*, section 732.' means that the term
13 '*childcare centre*' is defined in that section and the definition applies to
14 this regulation.

15 **[4.53] Dictionary, definition of *child-care centre***

16 *substitute*

17 *childcare centre*—see the *Children and Young People Act 2008*,
18 section 732.

19 **[4.54] Further amendments, mentions of *child-care***

20 *omit*

21 child-care

22 *substitute*

23 childcare

24 *in*

25 section 8 (2)

1 schedule 1, item 29, column 4
2 dictionary, definition of *pre-secondary school*
3 dictionary, definition of *school*, paragraph (a)

4 **Part 4.22** **Victims of Crime (Financial**
5 **Assistance) Act 1983**

6 **[4.55] Section 66 (2) (a) (ii)**

7 *omit*

1 **Schedule 5 Legislation repealed**

2 (see s 4)

3 **Part 5.1 Repeals—criminal matters**

4 **[5.1] Legislation repealed**

5 (1) The *Children and Young People Regulation 2000* (SL2000-41) is
6 repealed.

7 (2) All legislative instruments under the *Children and Young People*
8 *Act 1999* (A1999-63) (except the instruments mentioned in this
9 schedule, part 5.2 and part 5.3) are repealed.

10 **Part 5.2 Repeals—care and protection**
11 **matters**

12 **[5.2] Legislation repealed**

13 The following instruments under the *Children and Young People*
14 *Act 1999* (A1999-63) are repealed:

- 15 • *Children and Young People Official Visitor Appointment 2007*
16 *(No 1)* (DI2007-244);
- 17 • *Children and Young People Official Visitor Appointment 2005*
18 *(No 3)* (DI2005-219);
- 19 • *Children and Young People (Family Group Conference*
20 *Facilitator) Appointment 2006 (No 1)* (NI2006-371);
- 21 • *Children and Young People (Family Group Conferences*
22 *Facilitator) Appointment 2004 (No 1)* (NI2004-140);
- 23 • any other instrument under the *Children and Young People*
24 *Act 1999*, section 41 (Official Visitors).

1 **Part 5.3** **Repeals—remainder**

2 **[5.3] Legislation repealed**

- 3 (1) The *Children and Young People Act 1999* (A1999-63) is repealed.
- 4 (2) The following instruments under the *Children and Young People*
5 *Act 1999* (A1999-63) are repealed:
- 6 • *Children and Young People (Community Youth Justice*
7 *Centre) Attendance Centre Declaration 2005 (No 1)*
8 *(NI2005-179)*;
 - 9 • *Children and Young People (Marlow Cottage) Shelter*
10 *Declaration 2005 (No 1)* (NI2005-222);
 - 11 • *Children and Young People—Care and Protection Services*
12 *Delegations 2006* (NI2006-254);
 - 13 • *Children and Young People (Community Youth Justice*
14 *Centre) Attendance Centre Declaration 2005 (No 2)*
15 *(NI2005-299)*;
 - 16 • any other instrument under the *Children and Young People*
17 *Act 1999*, section 36 (Member of the Council) or section 37
18 (Chairperson).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2008.

2 Notification

Notified under the Legislation Act on 2008.

3 Republications of amended laws

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

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