

2013

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Shane Rattenbury)

Children and Young People Amendment Bill 2013

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Children and Young People Amendment Bill 2013

A Bill for

An Act to amend the *Children and Young People Act 2008*

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 Amendment Act 2013*.
- 3 **2 Commencement**
- 4 This Act commences on the 30th day after its notification day.
- 5 *Note* The naming and commencement provisions automatically commence on
- 6 the notification day (see [Legislation Act](#), s 75 (1)).
- 7 **3 Legislation amended**
- 8 This Act amends the *Children and Young People Act 2008*.
- 9 **4 What is *emergency action*?**
- 10 **Section 405, definition of *emergency action*, note 1**
- 11 *omit*
- 12 **5 Public advocate to be told about action following**
- 13 **appraisals**
- 14 **Section 507 (1) (c), note 2**
- 15 *omit*
- 16 **6 Section 512 heading**
- 17 *substitute*
- 18 **512 Director-general must place child or young person with**
- 19 **out-of-home carer**

7 Section 512 (1)

substitute

(1) If the director-general has daily care responsibility for a child or young person, the director-general must place the child or young person with an out-of-home carer.

(1A) However, the director-general may place—

(a) a child or young person in a health facility if—

(i) a doctor states in writing that, in his or her opinion, it is necessary for the wellbeing of the child or young person for daily care to be provided to the child or young person in the health facility; and

(ii) the director-general is satisfied that—

(A) appropriate support is available to meet the needs of the child or young person while the child or young person is in the health facility; and

(B) those aspects of the care plan for the child or young person that can be followed while the child or young person is in the health facility will be followed; or

(b) a young person who is 16 years old or older in an independent living arrangement if the director-general is satisfied that—

(i) the arrangement is appropriate for the young person; and

(ii) the proposed accommodation and the support available to the young person best meets the young person's needs; and

(iii) the arrangement is consistent with the young person's care plan; or

1 (c) a child or young person with the parent or guardian of the child
2 or young person if the director-general is satisfied it is
3 appropriate.

4 (1B) Subsections (1) and (1A) are subject to any court order (under this
5 Act or another law in force in the Territory) to the contrary.

6 **8 Application—ch 20**
7 **Section 731 (1) (e), note**

8 *omit*

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 16 May 2013.

2 Notification

Notified under the [Legislation Act](#) on 2013.

3 Republications of amended laws

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