

2015

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Children and Young People)

## Children and Young People Amendment Bill 2015 (No 2)

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## Children and Young People Amendment Bill 2015 (No 2)

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### A Bill for

An Act to amend the *Children and Young People Act 2008*, and for other purposes

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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 2015*  
3 (*No 2*).

4 **2 Commencement**

5 This Act commences on the day after its notification day.

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

8 **3 Legislation amended**

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

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

12 **4 Who is a *suitable entity*?**  
13 **Section 61, definition of *suitable entity*, examples**

14 *substitute*

15 **Examples—suitable entities for purposes stated in Act**

- 16 1 family group conference facilitators (see s 78)  
17 2 approved care and protection organisations (see s 352C)  
18 3 responsible person for an approved care and protection organisation  
19 (see s 352D)  
20 4 kinship carers (see s 516)  
21 5 foster carers for a stated child or young person (see s 518)  
22 6 foster carers for any child or young person (see s 519)  
23 7 childcare service proprietors and controlling people (see s 746)  
24 8 researchers and others having contact with children or young people for a  
25 research project (see s 809)

1 **5 Entity may apply to be suitable entity for purpose**  
2 **New section 62 (2) and (3)**

3 *after the note, insert*

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

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

10 **6 Director-general must consider suitability information,**  
11 **etc**  
12 **New section 64 (3)**

13 *before the note, insert*

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

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

1 **7** **Suitable entities register**  
2 **Section 72, note**

3 *substitute*

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

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

10 **8** **New part 10.4**

11 *insert*

12 **Part 10.4** **Approved care and protection**  
13 **organisations**

14 **Division 10.4.1** **Important concepts**

15 **352A** **Meaning of *organisation***

16 In this Act:

17 *organisation* means—

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



1     **352B     Meaning of *care and protection purpose***

2             In this Act:

3             *care and protection purpose*, for an organisation—

4             (a) means a purpose—

5                 (i) that relates to the exercise of a function under the care  
6                 and protection chapters; or

7                 (ii) prescribed by regulation as a care and protection purpose;  
8                 but

9             (b) does not include a purpose prescribed by regulation to not be a  
10             care and protection purpose.

11             **Examples—purpose under the care and protection chapters**

12             1 An organisation may be approved as a suitable entity for the purpose of  
13             becoming authorised as a foster care service under s 517.

14             2 An organisation may be approved as a suitable entity for the purpose of  
15             becoming authorised as a residential care service under s 520 (see s 511).

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     **352C     Meaning of *approved care and protection organisation***

20             In this Act:

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

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

1    **352D     Meaning of *responsible person* for an approved care and**  
2            **protection organisation**

3            In this Act:

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

9            **Division 10.4.2     Approved care and protection**  
10            **organisations—ongoing suitability**

11          **352E     Approved care and protection organisations—**  
12            **responsible person**

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

16          **352F     Approved care and protection organisations—monitoring**

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

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

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

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

### 6 **Division 10.4.3 Approved care and protection** 7 **organisations—complaints**

#### 8 **352G Meaning of *noncompliant***

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

#### 13 **352H Complaints—making a complaint**

14 (1) If a person believes on reasonable grounds that an approved care  
15 and protection organisation is noncompliant, the person may make a  
16 complaint to the director-general about the noncompliance.

17 (2) A complaint must—

18 (a) be in writing; and

19 (b) be signed by the person (the *complainant*) making the  
20 complaint; and

21 (c) include the complainant's name and address.

22 (3) However, the director-general may accept a complaint for  
23 consideration if it does not comply with subsection (2).

24 (4) The director-general may make arrangements for people with  
25 particular communication needs to ensure they have adequate  
26 opportunity to make a complaint.

1    **352I       Complaints—withdrawing a complaint**

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

9    **352J       Complaints—further information or verification**

- 10           (1) The director-general may, at any time, require a complainant—
- 11               (a) to give the director-general further information about the  
12               complaint; or
- 13               (b) to verify all or part of the complaint by statutory declaration.
- 14           *Note*     The *Statutory Declarations Act 1959* (Cwlth) applies to the making of  
15               statutory declarations under ACT laws.
- 16           (2) If the director-general makes a requirement, the director-general  
17               must give the complainant a reasonable period of time to satisfy the  
18               requirement and may extend that period, whether before or after it  
19               ends.
- 20           (3) If the complainant does not comply with a requirement, the  
21               director-general need not, but may, take further action on the  
22               complaint.

- 1    **352K     Complaints—investigation**
- 2           The director-general must take reasonable steps to investigate each  
3           complaint the director-general accepts for consideration.
- 4    **352L     Complaints—no further action**
- 5           The director-general must not take further action on a complaint if  
6           satisfied that the complaint—
- 7           (a) lacks substance; or
- 8           (b) is frivolous, vexatious or was not made genuinely; or
- 9           (c) has been adequately dealt with.
- 10   **352M     Complaints—action after investigation**
- 11           (1) After investigating a complaint against an approved care and  
12           protection organisation, the director-general must—
- 13           (a) if satisfied on reasonable grounds that the organisation is  
14           noncompliant—give the organisation—
- 15               (i) a noncompliance notice; or
- 16               (ii) a noncompliance direction; or
- 17               (iii) an intention to cancel notice; and
- 18           *Note     Noncompliance notice—see s 352N.*  
19                    *Noncompliance direction—see s 352O.*  
20                    *Intention to cancel notice—see s 352Q.*
- 21           (b) if not satisfied that the organisation is noncompliant—
- 22               (i) tell the complainant, in writing, that the director-general  
23               will not take further action on the complaint; and
- 24               (ii) not take further action on the complaint.

1 (2) Subsection (1) (b) (ii) does not prevent the director-general from  
2 taking further action on a complaint if the director-general later  
3 becomes satisfied that the organisation is noncompliant.

4 *Note* The director-general need not notify the complainant under s (1) if the  
5 complainant has withdrawn the complaint (see s 352I).

## 6 **Division 10.4.4 Approved care and protection** 7 **organisations—intervention**

### 8 **352N Intervention—noncompliance notice**

9 (1) This section applies if the director-general suspects on reasonable  
10 grounds that an approved care and protection organisation is  
11 noncompliant or likely to become noncompliant.

12 (2) The director-general may give the organisation a notice about the  
13 noncompliance (a *noncompliance notice*).

14 (3) A noncompliance notice must—

15 (a) be in writing; and

16 (b) state the action that is noncompliant; and

17 (c) describe how the action is noncompliant; and

18 (d) invite the organisation to make an oral or written submission to  
19 the director-general about the noncompliance; and

#### 20 **Example**

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

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

26 (e) state the due date for responding to an invitation in  
27 paragraph (d).

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

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1    **352O    Intervention—noncompliance direction**

- 2           (1) This section applies if—
- 3               (a) the director-general—
- 4                   (i) suspects on reasonable grounds that an approved care and
- 5                   protection organisation is noncompliant or likely to
- 6                   become noncompliant; and
- 7                   (ii) considers that the noncompliance would be better dealt
- 8                   with under this section than by giving the organisation a
- 9                   noncompliance notice; or
- 10           (b) the director-general has given an approved care and protection
- 11           organisation a noncompliance notice about the noncompliance
- 12           and the organisation—
- 13               (i) has not responded by the due date; or
- 14               (ii) has responded by the due date but the director-general is
- 15               satisfied that the organisation is still noncompliant or
- 16               likely to become noncompliant.
- 17           (2) The director-general may give the organisation a direction to end the
- 18           noncompliance (a *noncompliance direction*).
- 19           (3) A noncompliance direction must—
- 20               (a) be in writing; and
- 21               (b) state the action that is noncompliant; and
- 22               (c) describe how the action is noncompliant; and
- 23               (d) state the action to be taken, or not taken, to end the
- 24               noncompliance; and
- 25               (e) state when the direction must be complied with.

26           *Note*    The power to make an instrument includes the power to amend or repeal

27           the instrument (see [Legislation Act](#), s 46).

1 **352P Intervention—suspension if child or young person unsafe**

2 (1) This section applies if the director-general believes on reasonable  
3 grounds that—

4 (a) a child or young person is receiving a service from an  
5 approved care and protection organisation; and

6 (b) the child or young person is unsafe; and

7 (c) the exercise of the director-general’s powers under this section  
8 is necessary to protect the child or young person.

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

14 (2) The director-general may give a written notice to the approved care  
15 and protection organisation, suspending the organisation’s approval  
16 for a period not longer than 28 days (a **safety suspension notice**).

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

19 (3) If a safety suspension notice is in force for an approved care and  
20 protection organisation, any of the following authorisations held by  
21 the organisation are also suspended for the period of the notice:

22 (a) authorisation as a foster care service under section 517  
23 (Authorisation of foster care service);

24 (b) authorisation as a residential care service under section 520  
25 (Authorisation of residential care service—general parental  
26 authority).



- 1 (4) If the director-general gives a safety suspension notice to an  
2 approved care and protection organisation, the director-general must  
3 also take reasonable steps to tell a person with daily care  
4 responsibility for each child or young person likely to be affected  
5 about the suspension.

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

7 **352Q Intervention—intention to cancel notice**

- 8 (1) This section applies if—  
9 (a) the director-general—  
10 (i) suspects on reasonable grounds that an approved care and  
11 protection organisation is noncompliant or likely to  
12 become noncompliant; and  
13 (ii) considers that the noncompliance would be better dealt  
14 with under this section than by giving the organisation a  
15 noncompliance notice or noncompliance direction; or  
16 (b) the director-general has given an approved care and protection  
17 organisation a noncompliance direction about the  
18 noncompliance and the organisation has not complied with the  
19 direction.  
20 (2) The director-general may give the organisation notice that the  
21 director-general intends to cancel the organisation's approval  
22 (an *intention to cancel notice*).  
23 (3) An intention to cancel notice must—  
24 (a) be in writing; and  
25 (b) state that the director-general intends to cancel the  
26 organisation's approval because of the organisation's failure to  
27 comply with the noncompliance direction; and

- 1 (c) state that the organisation may give a written submission to the  
2 director-general showing cause why the organisation's  
3 approval should not be cancelled; and
- 4 (d) state that submissions may be given to the director-general  
5 only during the 28 working days after the day the intention to  
6 cancel notice is given to the organisation.
- 7 (4) If the director-general gives an intention to cancel notice to an  
8 organisation, the director-general must also take reasonable steps to  
9 tell a person with daily care responsibility for each child or young  
10 person likely to be affected about the notice.

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

12 **352R Intervention—cancellation**

- 13 (1) This section applies if the director-general gives an approved care  
14 and protection organisation an intention to cancel notice under  
15 section 352Q.
- 16 (2) If the organisation makes a submission in accordance with the  
17 intention to cancel notice, the director-general—
- 18 (a) must consider the submission; and  
19 (b) may consider any other relevant matter; and  
20 (c) must decide to either—
- 21 (i) cancel the organisation's approval; or  
22 (ii) revoke the intention to cancel notice.
- 23 (3) If the organisation does not make a submission in accordance with  
24 the intention to cancel notice, the director-general must cancel the  
25 organisation's approval.

1 (4) If the director-general decides to revoke the intention to cancel  
2 notice, the director-general must tell the following people about the  
3 decision:

4 (a) the organisation;

5 (b) anyone else who was told under section 352Q (4) about the  
6 intention to cancel notice.

7 **352S Intervention—cancellation notice**

8 (1) This section applies if the director-general decides to cancel an  
9 approved care and protection organisation's approval under  
10 section 352R.

11 (2) The director-general must give a written notice (a *cancellation*  
12 *notice*) to the organisation, cancelling the approval starting on the  
13 date stated in the notice (the *cancellation date*).

14 (3) If the director-general gives a cancellation notice to the  
15 organisation, the director-general must also take reasonable steps to  
16 tell a person with daily care responsibility for each child or young  
17 person likely to be affected about the cancellation.

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

19 (4) The cancellation notice must be given to the organisation at least  
20 10 working days before the cancellation date.

21 **352T Intervention—guidelines**

22 (1) The director-general may make guidelines for this division  
23 (the *intervention guidelines*).

24 (2) An intervention guideline is a disallowable instrument.

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



- 1 (g) any of the following given to the organisation:  
2 (i) a noncompliance notice;  
3 (ii) a noncompliance direction;  
4 (iii) a safety suspension notice;  
5 (iv) an intention to cancel notice;  
6 (v) a cancellation notice;  
7 (h) if the organisation's approval has been cancelled at any time—  
8 details of the cancellation;  
9 (i) anything else prescribed by regulation.  
10 (3) The organisations register may include anything else the  
11 director-general considers relevant.  
12 (4) The organisations register may be kept in any form, including  
13 electronically, that the director-general decides.  
14 (5) The director-general must make the organisations register publicly  
15 accessible.

16 **Example—publicly accessible**

17 published on the directorate website

18 *Note* An example is part of the Act, is not exhaustive and may extend, but  
19 does not limit, the meaning of the provision in which it appears (see  
20 [Legislation Act](#), s 126 and s 132).

21 **9 Definitions—Act**  
22 **Section 502, definition of *foster care service***

23 *substitute*

24 *foster care service*—see section 510.

1 **10 Section 502, definition of *out-of-home carer authorisation***

2 *omit*

3 **11 Sections 510 and 511**

4 *substitute*

5 **510 Meaning of *approved foster care organisation, foster care***  
6 ***service and foster carer***

7 In this Act:

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

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

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

14 (a) section 518 (Authorisation of foster carer—specific parental  
15 authority); or

16 (b) section 519 (Authorisation of foster carer—general parental  
17 authority).

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

21 **511 Meaning of *approved residential care organisation and***  
22 ***residential care service***

23 In this Act:

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

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

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

5        **12        Definitions—Act**  
6            **Section 515, definitions of *foster care service* and**  
7            ***out-of-home carer authorisation***

8            *omit*

9        **13        Section 517**

10           *substitute*

11        **517        Authorisation of foster care service**

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

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

15           (b) provide support for foster carers.

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

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

19        **14        Section 520**

20           *substitute*

21        **520        Authorisation of residential care service—general**  
22            **parental authority**

23           (1) The director-general may authorise an approved residential care  
24 organisation to exercise—

25           (a) daily care responsibility for any child or young person for  
26 whom the director-general has daily care responsibility; or

- 1 (b) long-term care responsibility for any child or young person for  
2 whom the director-general has long-term care responsibility.
- 3 (2) However, the director-general may authorise an organisation only if  
4 the organisation agrees to exercise the responsibility for the  
5 director-general for any child or young person.
- 6 (3) The organisation must exercise the responsibility subject to any  
7 directions of the director-general.

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

10 **15 Revocation of foster care service's authorisation**  
11 **Section 522 (1) and (2)**

12 *substitute*

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

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

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

21 **16 Section 522 (3)**

22 *omit*

23 entity's

24 *substitute*

25 organisation's



---

**17 Section 522 (3)**

*omit*

entity

*substitute*

organisation

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

*substitute*

(1) The director-general may revoke an organisation's authorisation under section 520 as a residential care service if satisfied that the organisation—

(a) is not an approved residential care organisation; or

(b) has not acted as a residential care service in the previous 12 months; or

(c) is no longer available to act as a residential care service.

**Example—par (c)**

an entity closes its places of care in the ACT

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

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

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

1 **19 Section 524 (3)**

2 *omit*  
3 entity's  
4 *substitute*  
5 organisation's

6 **20 Section 524 (3)**

7 *omit*  
8 entity  
9 *substitute*  
10 organisation

11 **21 Approval of places of care**  
12 **Section 525 (1) and notes**

13 *substitute*

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

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

19 **22 Meaning of *reviewable decision*—div 24.1.3**  
20 **Section 839, definition of *reviewable decision***

21 *substitute*

22 In this division:

23 ***reviewable decision*** means a decision mentioned in table 839.1,  
24 839.1A, 839.2 or 839.3, column 3 under a provision of this Act  
25 mentioned in column 2 in relation to the decision.

1 **23 Section 839, table 839.1**

2 *substitute*

3 **Table 839.1 Review of decisions—ch 2 (Administration)**

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

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

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

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

1 **24** **Who is an *information sharing entity*?**  
 2 **Section 859 (1), definition of *information sharing entity*,**  
 3 **paragraph (d), note**

4 *substitute*

5 *Note Foster care service*—see s 510.

6 **25** **Standard-making power**  
 7 **New section 887 (2) (ab)**

8 *after the note, insert*

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

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

13 **26** **Dictionary, note 2**

14 *insert*

- 15
  - children and young people commissioner

**27 Dictionary, new definitions**

1 *insert*

2 *approved care and protection organisation*—see section 352C.

3 *approved foster care organisation*—see section 510.

4 *approved residential care organisation*—see section 511.

5 *care and protection organisation standards*—see

6 section 887 (2) (ab).

7 *care and protection purpose*, for an organisation—see

8 section 352B.

9 *complainant*, for division 10.4.3 (Approved care and protection

10 organisations—complaints)—see section 352H.

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

11 *substitute*

12 *foster care service*—see section 510.

13 *intention to cancel notice*—

14 (a) for division 10.4.4 (Approved care and protection

15 organisations—intervention)—see section 352Q; and

16 (b) for chapter 20 (Childcare services)—see section 764 (2).

**29 Dictionary, new definitions**

17 *insert*

18 *noncompliance direction*, for division 10.4.4 (Approved care and

19 protection organisations—intervention)—see section 352O.

20 *noncompliance notice*, for division 10.4.4 (Approved care and

21 protection organisations—intervention)—see section 352N.

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

4            *organisation*—see section 352A.

5            **30            Dictionary, definition of *out-of-home carer authorisation***

6            *omit*

7            **31            Dictionary, definition of *responsible person***

8            *substitute*

9            *responsible person*—

10            (a) for an approved care and protection organisation, for part 10.4  
11            (Approved care and protection organisations)—see  
12            section 352D; and

13            (b) for a childcare service, for chapter 20 (Childcare services)—  
14            see section 738.

1 **Schedule 1** **Consequential amendments**

2 (see s 3)

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

5 **[1.1] Schedule 1, part 1.1, section 1.1, note**

6 *omit*

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

9 *substitute*

- 10 • s 510 (Meaning of *approved foster care organisation, foster care*  
11 *service and foster carer*);  
12 • s 511 (Meaning of *approved residential care organisation and*  
13 *residential care service*);

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## Endnotes

**1 Presentation speech**

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

**2 Notification**

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

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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