

2024

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Children, Youth and Family Services)

Children and Young People Amendment Bill 2024 (No 2)

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(As presented)

(Minister for Children, Youth and Family Services)

Children and Young People Amendment Bill 2024 (No 2)

A Bill for

An Act to amend the *Children and Young People Act 2008* and the *Children and Young People Regulation 2009*, and for other purposes

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Children and Young People Amendment Act 2024 (No*
4 *2)*.

5 **2 Commencement**

6 (1) This Act (other than the provisions mentioned in subsection (2))
7 commences on the day after its notification day.

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

10 (2) The following provisions commence on 1 July 2025:

- 11 • section 5
- 12 • sections 21 to 26
- 13 • sections 28 and 29
- 14 • part 3
- 15 • schedule 1.

16 **3 Legislation amended**

17 This Act amends the *Children and Young People Act 2008* and the
18 *Children and Young People Regulation 2009*.

19 *Note* This Act also amends the following legislation (see sch 1):

- 20 • [Court Procedures Act 2004](#)
- 21 • [Magistrates Court Act 1930](#).

1 **Part 2** **Children and Young People**
2 **Act 2008**

3 **4** **New section 24A**

4 *insert*

5 **24A** **Director-general charters**

- 6 (1) The director-general may, on the director-general's own initiative,
7 make charters in relation to matters about providing, or assisting to
8 provide, services for children and young people in accordance with
9 this Act.
- 10 (2) The director-general must make a charter about a matter the subject
11 of a direction by the Minister, but only if the matter relates to
12 providing, or assisting to provide, services for children and young
13 people in accordance with this Act.
- 14 (3) A person exercising a function under this Act to which a charter
15 applies must, as far as practicable, give effect to the charter when
16 exercising the function unless giving effect to the charter would—
- 17 (a) not be in the best interests of a child or young person; or
18 (b) be contrary to a provision of this Act.
- 19 (4) A charter does not create rights or impose legally enforceable
20 obligations on the Territory, a Minister or anyone else.
- 21 (5) A charter is a notifiable instrument.
- 22 (6) The director-general must review a charter at least once every 5 years
23 after the day the charter is notified.

1 **5** What are the *care and protection chapters*?
2 **Section 336, definition of *care and protection chapters*,**
3 **paragraph (j)**

4 *omit*
5 all proceedings
6 *substitute*
7 court proceedings

8 **6** Age—*care and protection chapters stop applying if*
9 **person discovered to be adult**
10 **Section 339 (5)**

11 *omit*
12 part 15.5 (Transition to adulthood)
13 *substitute*
14 part 15.5 (Transition from out-of-home care)

15 **7** *Care and protection chapters stop applying when young*
16 **person becomes adult**
17 **Section 340 (5)**

18 *omit*
19 part 15.5 (Transition to adulthood)
20 *substitute*
21 part 15.5 (Transition from out-of-home care)

8 Part 15.5 heading

substitute

Part 15.5 Transition from out-of-home care**9 Section 529A**

substitute

529A Object—pt 15.5

The object of this part is to promote, strengthen and foster the wellbeing of people—

- (a) preparing to begin the transition from out-of-home care; and
- (b) who were previously in out-of-home care.

10 Section 529BA

substitute

**529BA Who is a *previous out-of-home carer* for a person?—
pt 15.5**

In this part:

previous out-of-home carer, for a person, means an out-of-home carer with whom the director-general had placed the person when they were a child or young person.

**11 Assistance generally
Section 529I (1)**

substitute

- (1) This section applies to a child, young person or young adult who was in out-of-home care.

Section 12

- 1 (1A) The director-general—
- 2 (a) must provide the services that the director-general considers
- 3 appropriate to a child, young person or young adult who is
- 4 younger than 21 years old; and
- 5 (b) may provide the services that the director-general considers
- 6 appropriate to a young adult who is 21 years old or older.
- 7 (1B) However, a young adult may ask the director-general to—
- 8 (a) stop providing services to them; and
- 9 (b) if services have been stopped, ask for the services to be provided
- 10 again.

11 **12 Section 529I (2)**

- 12 *omit*
- 13 subsection (1)
- 14 *substitute*
- 15 subsection (1A)

16 **13 Section 529I (2) (j)**

- 17 *omit*
- 18 young

19 **14 Section 529J heading**

- 20 *substitute*

21 **529J Financial assistance—child, young person or young adult**

1 **15 Section 529J (1)**

2 *substitute*

3 (1) The director-general may provide financial assistance to a child,
4 young person or young adult who was in out-of-home care.

5 **16 Section 529J (2) and examples**

6 *omit*

7 **17 Section 529J (5) and (6)**

8 *omit*

9 **18 Financial assistance—previous out-of-home carer**
10 **Section 529JA (1) and note**

11 *substitute*

12 (1) This section applies if—

13 (a) a young adult is younger than 21 years old; and

14 (b) the young adult is in fact living with a previous out-of-home
15 carer for the young adult.

16 **19 Section 529JA (3)**

17 *omit*

18 **20 Section 529K and notes**

19 *substitute*

20 **529K Entitlement to personal items**

21 A child, young person or young adult who has left out-of-home care
22 is entitled to have and keep, free of charge, all of their personal items
23 that are held by—

24 (a) the director-general; or

- 1 (b) an approved kinship and foster care organisation; or
2 (c) a previous out-of-home carer for the child, young person or
3 young adult.

4 **21 New chapter 16A**

5 *insert*

6 **Chapter 16A Care and protection—**
7 **notification and review of**
8 **certain decisions**

9 **Part 16A.1 Preliminary**

10 **635A Definitions—ch 16A**

11 In this chapter:

12 *affected person*, for a decision, means—

- 13 (a) a person prescribed for section 635B (a) for the decision; and
14 (b) any other person whose interests are affected by the decision.

15 *decision-maker*, for an internally reviewable decision, means the
16 entity prescribed by regulation for the decision.

17 *internally reviewable decision* means a decision prescribed by
18 regulation.

19 *internal reviewer*—see section 635E (1).

20 *internal review notice*—see the *ACT Civil and Administrative*
21 *Tribunal Act 2008*, section 67B (1).

22 *reviewable decision* means a decision of an internal reviewer in
23 relation to an internally reviewable decision.

1 **Part 16A.2 Internal review**

2 **635B Internal review notices**

3 If a decision-maker makes an internally reviewable decision, the
4 decision-maker must give an internal review notice to—

- 5 (a) each person prescribed by regulation for the decision; and
- 6 (b) the public advocate; and
- 7 (c) if a child or young person the subject of the decision is an
8 Aboriginal or Torres Strait Islander person—the Aboriginal and
9 Torres Strait Islander children and young people commissioner.

10 *Note 1* The decision-maker must also take reasonable steps to give an internal
11 review notice to any other person whose interests are affected by the
12 decision (see [ACT Civil and Administrative Tribunal Act 2008](#), s 67B).

13 *Note 2* The requirements for internal review notices are prescribed under the
14 [ACT Civil and Administrative Tribunal Act 2008](#).

15 **635C Application for internal review**

16 (1) The following may apply to the decision-maker for review of an
17 internally reviewable decision:

- 18 (a) an affected person for the decision;
- 19 (b) the public advocate;
- 20 (c) if a child or young person the subject of the decision is an
21 Aboriginal or Torres Strait Islander person—the Aboriginal and
22 Torres Strait Islander children and young people commissioner.

23 (2) The application must—

- 24 (a) be in writing; and
- 25 (b) state the name and contact details of the applicant; and
- 26 (c) set out the applicant's reasons for making the application.

- 1 (3) The application must be given to the decision-maker within—
- 2 (a) 28 days after the day the applicant is given the internal review
- 3 notice for the decision; or
- 4 (b) any longer period allowed by the decision-maker before or after
- 5 the end of the 28-day period.

6 **635D Application not affect internally reviewable decision**

7 The making of an application for review of an internally reviewable

8 decision does not affect the operation of the decision.

9 **635E Internal review**

- 10 (1) If an application is made for internal review, the decision-maker must
- 11 arrange for someone else (the *internal reviewer*) to review the
- 12 decision.
- 13 (2) The internal reviewer must, within 40 days after the internal reviewer
- 14 receives the application—
- 15 (a) confirm the decision; or
- 16 (b) vary the decision; or
- 17 (c) set aside the decision and substitute their own decision.
- 18 (3) If the internal reviewer does not take action under subsection (2)
- 19 within the 40-day period, the internal reviewer is taken to have
- 20 confirmed the decision.

1 **635F Application for ACAT review—internally reviewable**
2 **decision**

- 3 (1) This section applies if a person who may make an application for
4 review of an internally reviewable decision under section 635C (1)
5 considers exceptional circumstances exist that warrant the review of
6 the decision by the ACAT.

7 **Examples—exceptional circumstances**

- 8 1 a decision is made that would significantly affect a child’s or young person’s
9 relationship with a significant person for the child or young person or, if set
10 aside after it takes effect, would cause significant disruption for the child or
11 young person, such as to place a child with a carer interstate
12 2 a decision is made that would be impractical or impossible to reverse, such as
13 to allow a young person to undergo an irreversible medical procedure
14 3 a decision is made that is likely to cause harm to a child or young person, such
15 as to restrict a breast feeding person’s contact with their child
16 4 an affected person will be denied procedural fairness if an application for
17 review of the decision is not undertaken quickly

- 18 (2) The person may apply to the ACAT for review of the internally
19 reviewable decision.

20 **Part 16A.3 ACAT review**

21 **635G Reviewable decision notices**

22 If an internal reviewer makes a reviewable decision, the internal
23 reviewer must give a reviewable decision notice to each person who
24 is given an internal review notice.

25 *Note 1* The internal reviewer must also take reasonable steps to give a reviewable
26 decision notice to any other person whose interests are affected by the
27 decision (see [ACT Civil and Administrative Tribunal Act 2008](#), s 67A).

28 *Note 2* The requirements for reviewable decision notices are prescribed under
29 the [ACT Civil and Administrative Tribunal Act 2008](#).

1 **635H Application for ACAT review—reviewable decision**

2 An affected person for a reviewable decision may apply to the ACAT
3 for review of the decision.

4 *Note* If a form is approved under the *ACT Civil and Administrative Tribunal*
5 *Act 2008* for the application, the form must be used.

6 **635I Application for ACAT review by certain statutory**
7 **office-holders—reviewable decision**

8 (1) The following (a *relevant statutory office-holder*) may apply to the
9 ACAT for review of a reviewable decision:

10 (a) the public advocate;

11 (b) if a child or young person the subject of the decision is an
12 Aboriginal or Torres Strait Islander person—the Aboriginal and
13 Torres Strait Islander children and young people commissioner.

14 (2) However, the relevant statutory office-holder must not make an
15 application unless they have first attempted to resolve the matter
16 satisfactorily with—

17 (a) if an application for internal review of the decision has not been
18 made—the decision-maker; or

19 (b) if an application for internal review of the decision has been
20 made—the internal reviewer for the decision.

1 **Part 16A.4 ACAT Procedural matters**

2 **Division 16A.4.1 Preliminary**

3 **635J Definitions—pt 16A.4**

4 In this part:

5 *litigation guardian*, for a child or young person, means a person
6 appointed as a litigation guardian for the child or young person under
7 section 635R.

8 *review application* means an application before the ACAT in a
9 proceeding for review of—

- 10 (a) an internally reviewable decision that the ACAT decides to deal
11 with as a reviewable decision under section 635F (3); or
12 (b) a reviewable decision under section 635H or section 635I.

13 **Division 16A.4.2 Parties and appearance**

14 **635K Parties to review application**

15 (1) The parties to a review application are—

16 (a) for an application started by the public advocate or the
17 Aboriginal and Torres Strait Islander children and young people
18 commissioner under section 635I—a child or young person the
19 subject of the application and the decision-maker; and

20 (b) in any other case—the applicant and the decision-maker.

21 (2) The *ACT Civil and Administrative Tribunal Act 2008*, section 29 (3)
22 does not apply to an application for review under this chapter.

- 1 **635L Affected people to be notified about review application**
- 2 (1) On the making of a review application, the ACAT must tell the
- 3 decision-maker—
- 4 (a) that the application has been made; and
- 5 (b) give details of the application.
- 6 (2) Within 7 days after being told about an application, the
- 7 decision-maker must give written notice of the application to the
- 8 following:
- 9 (a) each affected person for the decision;
- 10 (b) the public advocate;
- 11 (c) if a child or young person the subject of the application is an
- 12 Aboriginal or Torres Strait Islander person—the Aboriginal and
- 13 Torres Strait Islander children and young people commissioner.
- 14 (3) The notice must include—
- 15 (a) details of the review application; and
- 16 (b) for a notice given to an affected person—
- 17 (i) a statement that the person may be joined as a party to the
- 18 review application; and
- 19 (ii) information about how the person may be joined as a party
- 20 to the review application.
- 21 *Note* For joining parties to an application, see the [ACT Civil and Administrative](#)
- 22 [Tribunal Act 2008](#), s 29 (5).

1 **635M Appearance**

2 (1) The following (a *relevant statutory office-holder*) may appear and
3 give evidence at the hearing of a review application:

4 (a) the public advocate;

5 (b) if the child or young person the subject of the application is an
6 Aboriginal or Torres Strait Islander person—the Aboriginal and
7 Torres Strait Islander children and young people commissioner.

8 (2) Subsection (1) does not apply if the relevant statutory office-holder is
9 a litigation guardian for a child or young person in the review
10 application.

11 *Note* The role of a litigation guardian is set out in s 635S.

12 **Division 16A.4.3 Children and young people in review**
13 **applications**

14 **635N Meaning of *direct legal representative* and *independent***
15 ***legal representative*—div 16A.4.3**

16 In this division:

17 *direct legal representative*, for a child or young person, means a legal
18 representative undertaking the functions mentioned in
19 section 635R (1).

20 *independent legal representative*, for a child or young person, means
21 a legal representative undertaking the functions mentioned in
22 section 635R (2).

23 **635O Children and young people’s right to express views to**
24 **ACAT**

25 A child or young person who is the subject of a review application
26 has the right to express their views to the ACAT about matters
27 relevant to the application.

- 1 **635P Appointment of legal representative for child or young**
2 **person**
- 3 The ACAT must appoint a legal representative for a child or young
4 person in a review application if the ACAT considers it is in the best
5 interests of the child or young person to be legally represented in the
6 application.
- 7 **635Q Legal representative to act as direct legal representative**
8 **or independent legal representative**
- 9 (1) A legal representative for a child or young person is to act as a direct
10 legal representative if—
- 11 (a) the child or young person is capable of giving proper
12 instructions; and
- 13 (b) a litigation guardian has not been appointed for the child or
14 young person.
- 15 (2) A legal representative for a child or young person is to act as an
16 independent legal representative if—
- 17 (a) the child or young person is not capable of giving proper
18 instructions; or
- 19 (b) a litigation guardian has been appointed for the child or young
20 person.
- 21 **635R Functions of legal representative**
- 22 (1) A direct legal representative for a child or young person must—
- 23 (a) as far as possible, present the views and wishes of the child or
24 young person to the ACAT; and
- 25 (b) act on the instructions of the child or young person.

- 1 (2) An independent legal representative for a child or young person
2 must—
- 3 (a) as far as possible, present the views and wishes of the child or
4 young person to the ACAT; and
- 5 (b) safeguard and represent the interests of the child or young
6 person; and
- 7 (c) act on the instructions of a litigation guardian (if any) appointed
8 for the child or young person.
- 9 (3) Nothing in this section limits the role of a legal representative for a
10 child or young person.

11 **635S Removal of legal representative**

- 12 (1) This section applies if a child or young person has a legal
13 representative appointed under section 635P.
- 14 (2) The ACAT may, on application or on its own initiative—
- 15 (a) remove the legal representative if it considers it is in the best
16 interests of the child or young person; and
- 17 (b) order that the review application be suspended until someone
18 else has been appointed as a replacement legal representative.
- 19 (3) An application under subsection (2) may be made by a party to the
20 review application or anyone else.
- 21 (4) Nothing in this section affects the ACAT's ability to remove a legal
22 representative or stop a legal representative participating in the
23 review application under another territory law.

- 1 **635T Appointment of litigation guardian for child or young**
2 **person**
- 3 (1) This section applies to a child or young person who is either—
- 4 (a) the subject of a review application, whether or not the child or
5 young person has a legal representative; or
- 6 (b) not the subject of a review application but whose interests may
7 be affected by the review application.
- 8 (2) The ACAT—
- 9 (a) for a child or young person mentioned in subsection (1) (a)
10 or (b)—may appoint a litigation guardian for a child or young
11 person if the ACAT considers it is in the best interests of the
12 child or young person to have a litigation guardian; or
- 13 (b) for a child or young person mentioned in subsection (1) (a)—
14 must appoint a litigation guardian for a child or young person if
15 the application was started by the public advocate or the
16 Aboriginal and Torres Strait Islander children and young people
17 commissioner under section 635I.
- 18 (3) However, the ACAT must not appoint a litigation guardian if—
- 19 (a) the child or young person has expressed a wish not to have a
20 litigation guardian; and
- 21 (b) the ACAT considers that the child or young person understands
22 the nature and effect of the decisions the child or young person
23 makes in relation to the review application.
- 24 (4) The following may be appointed as a litigation guardian:
- 25 (a) a person not under a legal disability;
- 26 (b) the public advocate;
- 27 (c) if the child or young person is an Aboriginal or Torres Strait
28 Islander person—the Aboriginal and Torres Strait Islander
29 children and young people commissioner.

- 1 (5) However, the ACAT must not appoint a person as a litigation
2 guardian unless satisfied—
- 3 (a) the person has no interest in the review application that conflicts,
4 or might conflict, with the interests of the child or young person;
5 and
- 6 (b) the person agrees to be appointed.

7 **635U Functions of litigation guardian**

- 8 (1) A litigation guardian for a child or young person must—
- 9 (a) safeguard and represent the interests of the child or young
10 person; and
- 11 (b) instruct any independent legal representative (if any) of the child
12 or young person.
- 13 (2) Anything that a child or young person is allowed to do in relation to
14 a review application may be done by the child's or young person's
15 litigation guardian.
- 16 (3) Anything that a child or young person is required to do in relation to
17 a review application must be done by the child's or young person's
18 litigation guardian.

19 **635V Removal of litigation guardian**

- 20 (1) This section applies if a child or young person has a litigation
21 guardian appointed under section 635T in a review application.
- 22 (2) The ACAT may, on application or on its own initiative—
- 23 (a) remove the litigation guardian; and
- 24 (b) order that the review application be suspended until someone
25 else has been appointed as a replacement litigation guardian.
- 26 (3) An application under subsection (2) may be made by a party to the
27 review application or anyone else.

1 **635W Children and young people not to be compelled to give**
2 **evidence**

- 3 (1) A child or young person must not be compelled to give evidence in a
4 review application.
- 5 (2) Before a child or young person gives evidence in a review application,
6 the ACAT must satisfy itself that the child or young person is willing
7 to give the evidence.

8 **635X Questioning children and young people**

- 9 (1) This section applies to a child or young person giving evidence or
10 expressing their views to the ACAT in relation to a review
11 application.
- 12 (2) The child or young person must not be cross-examined.
- 13 (3) Only the following people may ask questions of the child or young
14 person:
- 15 (a) the ACAT;
- 16 (b) the legal representative, if any, of the child or young person;
- 17 (c) the litigation guardian, if any, for the child or young person.

18 **Division 16A.4.4 Miscellaneous**

19 **635Y Hearings to be in private**

- 20 (1) A hearing of a review application must be held in private.
- 21 (2) A private hearing is taken to be a hearing to which the *ACT Civil and*
22 *Administrative Tribunal Act 2008*, section 39 (Hearings in private or
23 partly in private) applies.

24 *Note* Requirements for keeping private hearings secret are set out in the
25 *ACT Civil and Administrative Tribunal Act 2008*, s 40.

- 1 (3) For the *ACT Civil and Administrative Tribunal Act 2008*,
2 section 39 (5), the following are additional matters about which the
3 ACAT may be satisfied in giving directions under section 39 (2) (b)
4 or (c):
- 5 (a) because a child or young person is otherwise likely to be
6 harmed;
- 7 (b) because the safety of another person is otherwise likely to be
8 endangered.

9 **635Z Non-disclosure of information in notices and statements**

- 10 (1) This section applies if a decision-maker is required to give any of the
11 following to a person (a *relevant document*):
- 12 (a) an internal review notice under section 635B;
- 13 (b) a reviewable decision notice under section 635G;
- 14 (c) a reasons statement under the *ACT Civil and Administrative*
15 *Tribunal Act 2008*, section 22B in relation to a reviewable
16 decision to which this chapter applies.
- 17 (2) The decision-maker or internal reviewer may withhold the disclosure
18 of information from the relevant document if they consider that not
19 withholding the information—
- 20 (a) is likely to result in harm to a child or young person; or
- 21 (b) is likely to endanger the safety of another person; or
- 22 (c) would result in undue interference with the privacy of a child or
23 young person, or another person.
- 24 (3) A relevant document from which disclosure of information is
25 withheld under subsection (2) must include a statement that—
- 26 (a) the disclosure of certain information has been withheld; and
- 27 (b) the person may apply to the ACAT for access to the withheld
28 information.

- 1 (4) The person given the relevant document may apply to the ACAT for
2 access to the withheld information.
- 3 (5) The ACAT must give the person access to the withheld information
4 unless satisfied that, if access is given—
- 5 (a) a child or young person is likely to be harmed; or
6 (b) the safety of another person is likely to be endangered; or
7 (c) there would be undue interference with the privacy of a child or
8 young person, or another person.
- 9 (6) An application may be considered by the ACAT without a hearing.

10 **635ZA Matter before ACAT and court**

- 11 (1) This section applies if—
- 12 (a) a review application is before the ACAT; and
13 (b) a proceeding on a care and protection order, that relates to some
14 or all of the matters to which the review application relates
15 (a *related court proceeding*), is also before a court.
- 16 (2) The director-general must, on becoming aware of a related court
17 proceeding, tell the ACAT—
- 18 (a) that the proceeding is before the court; and
19 (b) details of the proceeding.
- 20 (3) The ACAT must, on application or on its own initiative, suspend the
21 review application if it considers the court's decision in the related
22 court proceeding would effectively decide the matters to be decided
23 by the ACAT in the review application.
- 24 (4) If the matters are effectively decided by the court, the ACAT must
25 dismiss the review application.

1 (5) If the matters are not decided by the court, the ACAT may cancel the
2 suspension of the review application and continue to deal with the
3 application.

4 (6) In acting under this section, the ACAT may be made up by a
5 presidential member alone, but not a non-presidential member alone.

6 *Note* The president of the ACAT is responsible for allocating members to the
7 ACAT for an application (see *ACT Civil and Administrative Tribunal*
8 *Act 2008*, s 89).

9 **635ZB Review of ch 16A**

10 (1) The Minister must, as soon as practicable 5 years after this section
11 commences—

12 (a) review the operation of this chapter; and

13 (b) present a report of the review to the Legislative Assembly.

14 (2) This section expires 6 years after the day it commences.

15 **22 Chapter 19 heading**

16 *substitute*

17 **Chapter 19 Care and protection—**
18 **provisions applying to court**
19 **proceedings under care and**
20 **protection chapters**

21 **23 Dictionary, new definition of *affected person***

22 *insert*

23 *affected person*, for a decision, for chapter 16A (Care and
24 protection—notification and review of certain decisions)—see
25 section 635A.

24 Dictionary, definition of *application*

1 *omit*
2
3 all proceedings
4 *substitute*
5 court proceedings

25 Dictionary, definition of *decision-maker*

6 *substitute*
7
8 *decision-maker*—
9 (a) includes any court or tribunal exercising jurisdiction under
10 this Act; and
11 (b) for an internally reviewable decision, for chapter 16A (Care and
12 protection—notification and review of certain decisions)—see
13 section 635A.

26 Dictionary, new definitions

14 *insert*
15
16 *direct legal representative*, for a child or young person, for
17 division 16A.4.3 (Children and young people in review
18 applications)—see section 635N.
19 *independent legal representative*, for a child or young person, for
20 division 16A.4.3 (Children and young people in review
21 applications)—see section 635N.
22 *internally reviewable decision*, for chapter 16A (Care and
23 protection—notification and review of certain decisions)—see
24 section 635A.
25 *internal reviewer*, for chapter 16A (Care and protection—notification
26 and review of certain decisions)—see section 635E (1).

1 *internal review notice*, for chapter 16A (Care and protection—
2 notification and review of certain decisions)—see the *ACT Civil and*
3 *Administrative Tribunal Act 2008*, section 67B (1).

4 *litigation guardian*, for a child or young person, for part 16A.4
5 (ACAT procedural matters)—see section 635J.

6 **27 Dictionary, definition of *previous out-of-home carer***

7 *substitute*

8 *previous out-of-home carer*, for a person, for part 15.5 (Transition
9 from out-of-home care)—see section 529BA.

10 **28 Dictionary, definition of *reviewable decision***

11 *substitute*

12 *reviewable decision*—

13 (a) for chapter 16A (Care and protection—notification and review
14 of certain decisions)—see section 635A; and

15 (b) for division 24.1.3 (Notification and review of decisions)—see
16 section 839.

17 **29 Dictionary, new definition of *review application***

18 *insert*

19 *review application*, for part 16A.4 (ACAT procedural matters)—see
20 section 635J.

21 **30 Dictionary, definition of *young adult***

22 *omit*

23 part 15.5 (Transition to adulthood)

24 *substitute*

25 part 15.5 (Transition from out-of-home care)

1 **Part 3** **Children and Young People**
2 **Regulation 2009**

3 **31** **New sections 5 to 7**

4 *insert*

5 **5** **Decision-maker for internally reviewable decisions—care**
6 **and protection—Act, s 635A, def *decision-maker***

7 The director-general is prescribed for a decision mentioned in
8 schedule 1.

9 **6** **Internally reviewable decisions—care and protection—**
10 **Act, s 635A, def *internally reviewable decision***

11 The following decisions are prescribed:

12 (a) a decision of the director-general mentioned in schedule 1,
13 part 1.2, column 3 exercising a function mentioned in column 2
14 for the decision;

15 (b) a decision of the director-general mentioned in schedule 1,
16 part 1.3, column 3 under a section of the Act mentioned in
17 column 2 for the decision.

18 **7** **Notice of internally reviewable decisions—care and**
19 **protection—Act, s 635B (a)**

20 The following people are prescribed:

21 (a) for a decision mentioned in schedule 1, part 1.2—a person
22 mentioned in column 4 for the decision;

23 (b) for a decision mentioned in schedule 1, part 1.3—a person
24 mentioned in column 4 for the decision.

1 **32 New schedule 1**

2 *insert*

3 **Schedule 1 Internally reviewable**
 4 **decisions—care and protection**

5 (see s 6 and s 7)

6 **Part 1.1 Preliminary**

7 **1.1 Definitions—sch 1**

8 In this schedule:

9 *Aboriginal or Torres Strait Islander cultural plan*—see the [Act](#),
 10 section 513 (3).

11 *carer*, of child or young person—

12 (a) means an out-of-home carer; and

13 (b) includes a previous carer and a prospective carer.

14 **Part 1.2 Care and protection decisions**

column 1 item	column 2 function	column 3 decision	column 4 prescribed person
1	short-term parental responsibility provision	decision in relation to support or service to be given to parent of child or young person	<ul style="list-style-type: none"> • child or young person • parent of child or young person

Section 32

column 1 item	column 2 function	column 3 decision	column 4 prescribed person
2	contact provision in relation to deciding who may have contact with child or young person	person to have contact with child or young person	<ul style="list-style-type: none"> • person to have contact • child or young person • parent of child or young person • carer of child or young person
3	contact provision in relation to deciding who may have contact with child or young person	person not to have contact with child or young person	<ul style="list-style-type: none"> • person not to have contact • child or young person • parent of child or young person • carer of child or young person
4	contact provision in relation to deciding any conditions for person's contact with child or young person	place condition on person's contact with child or young person in relation to frequency or duration of contact	<ul style="list-style-type: none"> • person with condition placed on contact • child or young person • parent of child or young person • carer of child or young person
5	drug use provision in relation to giving directions about undergoing drug testing	any direction given	<ul style="list-style-type: none"> • parent subject to provision • person with daily care responsibility for parent's child or young person

column 1 item	column 2 function	column 3 decision	column 4 prescribed person
6	residence provision to decide where or with whom child or young person must live	placement of child or young person	<ul style="list-style-type: none"> • child or young person • parent of child or young person • carer of child or young person
7	daily care responsibility under Act , s 512	placement of child or young person	<ul style="list-style-type: none"> • child or young person • parent of child or young person • carer of child or young person
8	supervision provision	any decision	<ul style="list-style-type: none"> • parent subject to provision • person with daily care responsibility for child or young person
9	parental responsibility provision	decision about support for child or young person in relation to their culture	<ul style="list-style-type: none"> • child or young person • parent of child or young person • carer of child or young person
10	parental responsibility provision	decision in relation to child's or young person's education	<ul style="list-style-type: none"> • child or young person • parent of child or young person • carer of child or young person

column 1 item	column 2 function	column 3 decision	column 4 prescribed person
11	parental responsibility provision	decision in relation to child's or young person's health	<ul style="list-style-type: none"> • child or young person • parent of child or young person • carer of child or young person
12	parental responsibility provision	decision in relation to child's or young person's religion	<ul style="list-style-type: none"> • child or young person • parent of child or young person • carer of child or young person
13	Aboriginal or Torres Strait Islander cultural plan	proposal about preservation and enhancement of identity of child or young person	<ul style="list-style-type: none"> • child or young person • parent of child or young person • carer of child or young person
14	parental responsibility provision in relation to Aboriginal or Torres Strait Islander cultural plan	decision in relation to implementation of plan	<ul style="list-style-type: none"> • child or young person • parent of child or young person • carer of child or young person
15	Act , s 513	placement of Aboriginal or Torres Strait Islander child or young person in accordance with Aboriginal or Torres Strait Islander cultural plan	<ul style="list-style-type: none"> • child or young person • parent of child or young person • carer of child or young person

1 Part 1.3 Assistance decisions

column 1 item	column 2 section	column 3 decision	column 4 prescribed person
1	503	refuse to provide assistance to child or young person	<ul style="list-style-type: none"> child or young person carer of child or young person parent of child or young person
2	529I	refuse to provide assistance to child, young person or young adult	<ul style="list-style-type: none"> child or young person young adult parent of child, young person or young adult
3	529J	refuse to provide financial assistance to child, young person or young adult	<ul style="list-style-type: none"> child or young person young adult
4	529JA	refuse to provide financial assistance to previous out-of-home carer of young adult	<ul style="list-style-type: none"> young adult previous out-of-home carer

2 33 Dictionary, note

3 *insert*

- 4
- 5
- 6
- 7
- 8
- 9
- child (see s 11)
 - daily care responsibility (see s 19)
 - out-of-home carer (see s 508)
 - parent (see s 16 (2))
 - young adult
 - young person (see s 12)

34 Dictionary, new definitions

2 *insert*

3 *Aboriginal or Torres Strait Islander cultural plan*, for schedule 1
4 (Internally reviewable decisions—care and protection)—see the
5 [Act](#), section 513 (3).

6 *carer*, of child or young person, for schedule 1 (Internally reviewable
7 decisions—care and protection)—see schedule 1, section 1.1.

1 **Schedule 1** **Other amendments**

2 (see s 3)

3 **Part 1.1** **Court Procedures Act 2004**

4 **[1.1]** **New section 13 (1A)**

5 *insert*

6 (1A) However, the Minister must not determine fees for a proceeding in
7 the ACAT on an application for review of a decision under the
8 *Children and Young People Act 2008*, chapter 16A (Care and
9 protection—notification and review of certain decisions).

10 **Part 1.2** **Magistrates Court Act 1930**

11 **[1.2]** **Section 288 (1) (d)**

12 *omit*

13 any application or other proceeding

14 *insert*

15 any application to or other proceeding in a court

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 19 March 2024.

2 Notification

Notified under the [Legislation Act](#) on 2024.

3 Republications of amended laws

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

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