

2001

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

CHILDREN AND YOUNG PEOPLE AMENDMENT BILL 2001 (No 2)

EXPLANATORY MEMORANDUM

**Circulated by authority of
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Minister for Health, Housing and Community Services**

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Notes on Clauses

Clause 1 Name of the Act

This clause explains that when the Bill becomes an Act, it will be known as the *Children and Young People Amendment Act 2001 (No 2)*

Clause 2 Commencement

All amendments in this Act will be taken to have commenced on 10 May 2001.

Clause 3 Act amended

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

Clause 4 New Chapter 17

This clause inserts a new Chapter 17 into the *Children and Young People Act 1999*. The old chapter 17 expires one year after commencement of the Act ie expires on 10 May 2001

OVERVIEW OF AMENDMENTS

Section 419 Meaning of final care order and CSA

This section defines, for the purposes of the chapter, CSA as meaning the *Children's Services Act 1986*, as in force immediately before 10 May 2000. It also defines *final care order* as meaning an order made under CSA, s 89 (Periodical review of orders) that was in force immediately before 10 May 2001, or is made after the commencement of this chapter.

Section 420A Periodical review of orders under CSA

This section continues the provisions of the *Children's Services Act 1986* in relation to an application for review of an order under s 89 of that Act if the application had not been decided immediately before the commencement of the section.

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

Section 421 Certain orders made under CSA

This section applies to a final care order of a kind mentioned in schedule 2; part 2, column 3 that could have been made under the CSA section mentioned in column 2 of that item. The final care order is taken to be a final care and protection order of a type mentioned in column 2 of that item. Schedule 2 translates certain applications and orders from the Children's Services Act 1986 to the Children and Young People Act 1999.

Section 422 Access orders made on CSA s89 review

This section applies if, on making a final care order, the court makes or made an access order that a person have access to a child or young person, that access order is taken to be an order under the Children and Young People Act 1999 that the child or young person have contact with the person.

Section 423 Certain orders made on CSA s 89 review

This section takes as validly made any final care and protection order purportedly made on a review under the *Children's Services Act 1986*, s 89.

Section 424 Timing of review after CSA review

This section applies to a final care order that is a final care and protection order because of s 412 (certain orders made under CSA) or s 422 (Access orders made under CSA), or a final care order mentioned in s 423.

In applying section 267(3) to the order, the first anniversary of the making of the order after the commencement of this section is taken to be the anniversary of the latest of the day the order was made, or if the order was extended or varied, the last day when the order was extended or varied.

Section 425 Notifications

This section continues the protection of notifications made before the commencement of the *Children and Young People Act 1999*. A Regulation which makes provision for protection expires on 9 May 2001. The amendment replicates the substantive provision of the regulation. While this provision can only apply to actions occurring before the commencement of the *Children and Young People Act 1999*, the provision serves to restore legal protection that might otherwise be legitimately expected by those who made notifications under section 103 of the *Children's Services Act 1986*.