

2015

**THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY**

**CHILDREN AND YOUNG PEOPLE AMENDMENT REGULATION 2015
(No 1)**

Subordinate Law SL2015-32

EXPLANATORY STATEMENT

**Circulated by authority of Mick Gentleman MLA
Minister for Children and Young People**

Introduction

The Children and Young People Amendment Regulation 2015 (No 1) (the Amendment Regulation) is made under s.352B (a) (ii) of the *Children and Young People Act 2008* (the Act).

The Act governs the wellbeing, care and protection of children and young people in the ACT. This includes:

- children and young people at risk of abuse or neglect
- young offenders, including those detained in Bimberi
- the employment of children and young people
- out of home care for children and young people who do not have a parent that is willing and able to meet their safety and wellbeing needs
- childcare services
- research involving children and young people.

This explanatory statement has been prepared to assist the reader of the Amendment Regulation. It does not form part of the Amendment Regulation and the statement must be read in conjunction with the Amendment Regulation.

The Amendment Regulation adds a new section to the *Children and Young People Regulation 2009*. The new section proposed through this amendment defines new care and protection purposes that are additional to those already defined in the Act.

Overview

On 3 June 2013, the government agreed to implement a system of regulatory oversight for out-of-home care service providers. Through the Strategy, *A Step Up for Our Kids*, out-of-home care services are complemented by a number of other services in the out-of-home care service system. These additional services include those that aim to prevent children and young people from entering care or to have them return home if this is possible; clinical services based on the contemporary evidence on trauma and healing; advocacy services that seek to assist people to fully participate in service planning; and quality contact services.

On 1 July 2015, amendments to the Act to provide the legal framework for a system of regulatory oversight for services under the Strategy commenced. The amendments included provision to make a regulation and a number of disallowable instruments to support the amendments and the day-to-day operation of the legislation.

The Act defines care and protection purposes as:

- (i) the exercise of a function under the care and protection chapters (chapters 10 through to 19), or
- (ii) being prescribed by regulation as a care and protection purpose.

Functions under the care and protection chapters of the Act include kinship care, foster care and residential care. To support the achievement of the Strategy, other services are a necessary part of the service system.

Under the Act, only approved care and protection organisations can provide a care and protection purpose. An organisation is given approval when it demonstrates its capacity to provide the service in accordance with a set of criteria or Standards. The approval is made under section 63 of the Act – Director-general may approve suitable entity for purpose. The approved organisation maintains its approval by continued compliance with the criteria or Standards.

This Amendment Regulation prescribes what care and protection purposes are that are additional to out-of-home care services. This will enable the Territory to have oversight of all community organisations funded to provide services to vulnerable children, young people and adults under the Strategy.

The Regulation's compatibility with the *Human Rights Act 2004* (ACT)

The Amendment Regulation relates to organisations not individuals and therefore does not enact the *Human Rights Act 2004* (ACT).

Notes on clauses

Clause 1 Name of regulation

Clause 1 names the regulation as the Children and Young People Amendment Regulation 2015 (No 1).

Clause 2 Commencement

Clause 2 fixes the date for commencement of the Regulation.

Clause 3 Legislation amended

Clause 3 states that the Regulation amends the *Children and Young People Regulation 2009*.

Clause 4 New section 3A

Clause 4 adds a new section to the *Children and Young People Regulation 2009* and prescribes what care and protection purposes are under s. 352B (a) (ii) of the *Children and Young People Act 2008*.

These are:

- (a) Placement prevention, reunification and supported contact services in a**
- (i) home or community setting, or**
 - (ii) residential setting**

Meaning a spectrum of support services for a child, young person, their parent/s and/or other family members when a child or young person:

- is at significant risk of being abused and/or neglected and being in need of care and protection, or

- resides with an out-of-home carer and is having direct contact with parents, siblings or significant other people, or
- whose reunification with family is being assessed, planned and/or undertaken and/or supported after the family is reunified, or
- whose parent or parents require targeted parenting support.

(b) Clinical services

A spectrum of services that have a primary goal of preventing and/or healing the harm children and young people experience from abuse and/or neglect. Services are provided by qualified professionals and include dyadic interventions for a parent/carer and child; therapeutic assessments and planning; individual counselling and group programs.

(c) Engagement, empowerment and advocacy service

This includes services that:

- engage and connect people who are involved in the child protection system, and
- empower them with the knowledge and skills to participate in decision making and be effective self-advocates, and
- advocate for individuals who are unable to advocate effectively for themselves.

(d) Transition to adulthood service

Casework support and practical assistance to young people and young adults up to 25 years of age who reside with, or have resided with, an out-of-home carer.