

Australian Capital Territory

Children and Young People (Research) Standards 2023 (No 1)

Disallowable instrument DI2023–10

made under the

Children and Young People Act 2008, Section 887 (Standard-making power)

EXPLANATORY STATEMENT

These standards address the conduct of research that involves children, young people and others as defined at section 806 of the *Children and Young People Act 2008* (CYP Act). The matters to be covered by these Research Standards can be found in section 808 of the CYP Act.

The Research Standards are made pursuant to sections 887 (Standard-making power), which allows the Minister to make Research Standards for the CYP Act.

The *Children and Young People Act 2008* contains provisions for the Director-General to approve certain research projects. Research projects that require the approval of the Director-General under the CYP Act are defined by the CYP Act and outlined in the Research Standards.

They include research projects that seek the participation of certain children and young people (including those in the care of the Director-General) or require the Director-General to give the researcher access to protected or sensitive information about children and young people. They also include projects that involve the participation of a person who exercises a function under the CYP Act or the research being conducted at a place of care, detention place, or therapeutic protection place.

A reference to a child and young person in these standards includes a young offender as defined in the dictionary of the CYP Act, or a young detainee as defined in section 95.

A research project will only be approved if the researcher can demonstrate to the Director-General the project has complied or will comply with these research standards.

A researcher for an approved research project is an information holder as defined by Section 843 (Who is an information holder?) of the CYP Act. As an information holder, researchers are subject to the provisions of Chapter 25 of the CYP Act.

A participant is a child or young person, or their parent(s) or guardian(s) or any other person who takes part or may potentially take part in a research project.

The Research Standards identify key principles on which the design, conduct and approval of research as defined by section 806 of the CYP Act is based. The Research Standards have been determined from the CYP Act and from current national and international practice.

The Research Standards uphold a person's right to freedom of expression in line with Section 16 of the *Human Rights Act 2004* (HRC Act). The privacy of research participants, including their personal and/or protected information, will be upheld in line with Section 12 of the HRC Act.