

Ms Chiaka Barry MLA
Chair, Standing Committee on Legal Affairs
(Legislative Scrutiny Role)
Scrutiny@parliament.act.gov.au

Our ref: M-2026/000232

23 February 2026

Dear Ms Barry *Chiaka,*

I am writing to you regarding the Standing Committee on Legal Affairs' request for a response regarding the explanatory statement for the Children and Young People (Care and Protection Organisation) Standards 2025 (No 1), DI2025-272 which was notified on 23 October 2025.

The Committee noted the Explanatory Statement did not contain discussion of potential human rights implications of the Standards. The Committee acknowledged that the Standards apply to organisations delivering services, however, would have expected at least some discussion of the potential impact of the Standards on human rights, including the right to protection of the family and children, provided for by Section 11 of the *Human Rights Act 2004*.

The Committee requested my views on this issue and a response before the assembly's capacity to move to disallow the instrument expires (24 February 2026). I thank the Committee for raising this matter and acknowledge that human rights implications are not explicitly dealt with in the Explanatory Statement.

The Standards are part of a suite of protections under the *Children and Young People Act, 2008*, including the regulation of Care and Protection Organisations. The Standards promote the rights of children and young people including those rights within Section 11 of the *Human Rights Act 2004* (ACT).

Although the Committee has not requested a revision, on consideration, I have asked the Health and Community Services Directorate to revise the Explanatory Statement to specify that the Standards promote Section 11 of the *Human Rights Act 2004* by ensuring that organisations meet expected standards to protect children and young people from forms of distinction or discrimination. Further, the new standards do not diminish or unduly trespass on rights previously established by the law. The standards promote the rights of the family and children by raising the quality of services that work with children, young people and families engaged in the Child Protection system; and are designed to drive cultural change to create, maintain and improve child safety.

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Please find enclosed a revised Explanatory Statement, which I intend to table in the Legislative Assembly by 24 February 2026. I appreciate the Committee's consideration, and I trust this response addresses your comments.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'MP', written over the printed name.

Michael Pettersson MLA

Enc. Revised Explanatory Statement - DI2025-272 Children and Young People (Care and Protection Organisation) Standards 2025 (No 1)