



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON ESTIMATES 2022-2023

Mr James Milligan MLA (Chair), Mr Andrew Braddock MLA (Deputy Chair),
Dr Marisa Paterson MLA

HANSWER TO QUESTION ON NOTICE

ELIZABETH KIKKERT MLA: To ask the Minister for Family and Community Services

Ref: Portfolio area: Budget Statement G, pp. 5, 26, Community Services Directorate

In relation to: Updating the Children and Young People Act

Date (Question Lodged by Member): 29/08/2022

Date (Question Sent to DLO): 31/08/2022

1. It was stated in hearings that legislative changes are planned to a) embed the Aboriginal and Torres Strait Islander Child Placement Principle, b) create external merits review of child protection decisions, c) improve information sharing in line with recommendations from 2020, and d) make improvements to the child death review. Are any other updates to the Act planned, and if so, what are they?
2. It was stated in hearings that consultation for these changes has so far been within government. When will community consultation begin?

MINISTER STEPHEN-SMITH MLA: The answer to the Member's question is as follows: –

1. Policy approval will be sought from Cabinet before the end of 2022 with a package of amendments to the *Children and Young People Act 2008* (CYP Act) including the Parliamentary and Governing Agreement commitments to:
 - embed the Aboriginal and Torres Strait Islander Child Placement Principle,
 - introduce an external merits review of child protection decisions,
 - update provisions relating to the Child Death Review Committee, and
 - improve information sharing in line with recommendations from the Standing Committee on Health, Ageing and Community Services Committee Report on Child and Youth Protection Services (Part 2).

Amendments to the CYP Act will also be required to support an increase in the minimum age of criminal responsibility. It is likely that these amendments will be brought forward in a separate tranche of legislation that brings together the legislative changes required to give effect to this reform.

In line with the Government's commitment to the modernisation of the CYP Act, further changes will be developed in 2023. It is envisaged that these amendments will seek to simplify the Act and build a more restorative approach to child and youth protection into legislation.

2. Targeted consultation has taken place on a) embedding the Aboriginal and Torres Strait Islander Child Placement Principle and b) creating an external merits review mechanism for child protection decisions. The input received from these consultations will inform draft legislation which will be released for broader community consultation.
3. Following Cabinet policy approval, public consultation activities will be undertaken on the first stage of amendments to the Children and Young People Act 2008 – this will include consultation on the information sharing amendments.

Approved for circulation to the Select Committee on Estimates 2022-2023

Signature:



Date:

11/9/22

By Minister Stephen-Smith, Minister for Families and Community Services