

NEW LEGISLATION

Introducing the
*Children and Young People
(Safety and Support)
Act 2025*



Government of South Australia
Department for Child Protection



Acknowledgement

We acknowledge and value the rights of Aboriginal Children, Young People and Families, and understand the collective responsibility we have to acknowledge their right to self-determination.

Passing down shared stories about Land and Water, Culture and Identity, will bring a meaningful connection to future generations.



What has happened to the child protection legislation?

A quick overview

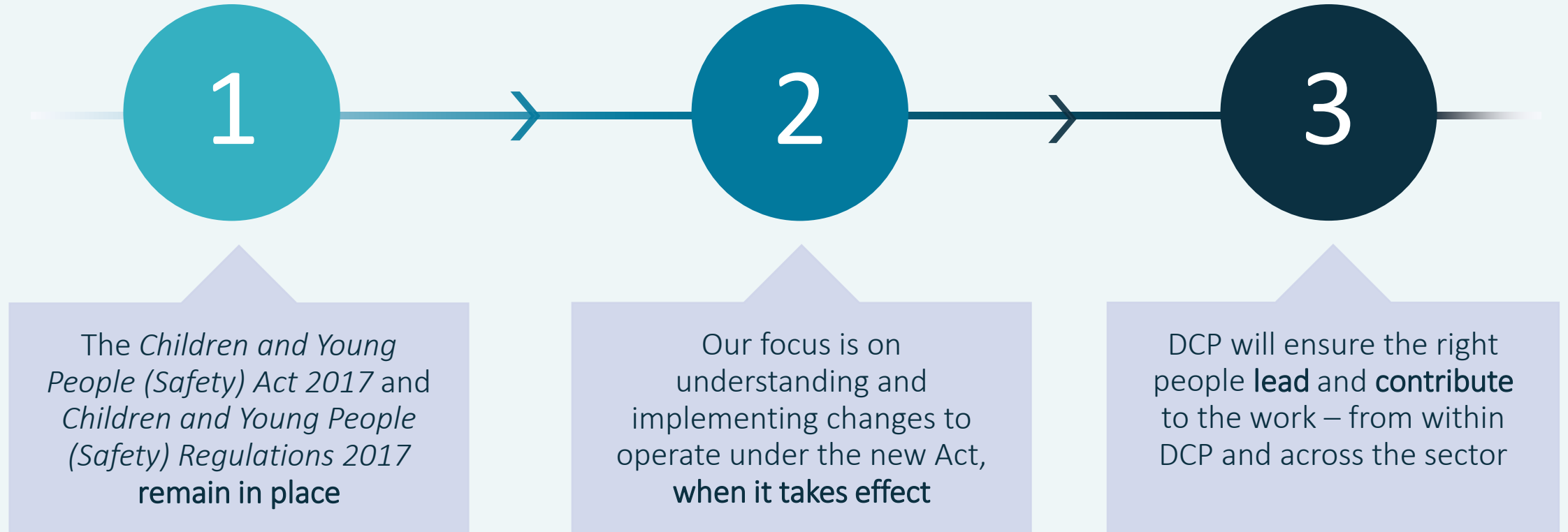
- The *Children and Young People (Safety and Support) Bill 2024* passed both houses of Parliament and received Royal Assent on 12 June 2025, which allows a period before the new Act commences
- The new Act will come into effect on a date yet to be proclaimed – DCP are working towards commencement in 2027
- This incoming legislation will be known as the *Children and Young People (Safety and Support) Act 2025* (CYPSS Act 2025)



Download or bookmark a copy of the CYPSS Act 2025 from legislation.sa.gov.au

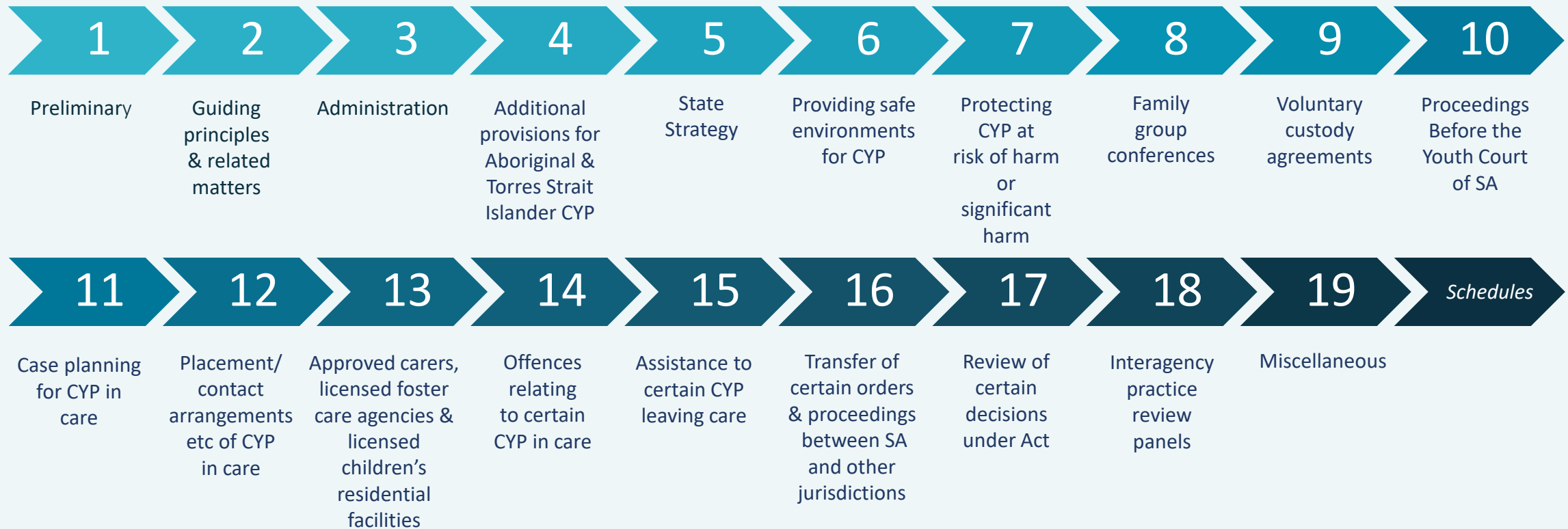


What will happen until the commencement of the CYPSS Act 2025?



How is the CYPSS Act 2025 structured?

19 parts | 224 sections



What are some of the main differences from the current legislation?

Four new guiding principles to be upheld in all decisions relating to CYP



Safety
principle



Best interests
principle



Principle
of active efforts
& standards of
active efforts

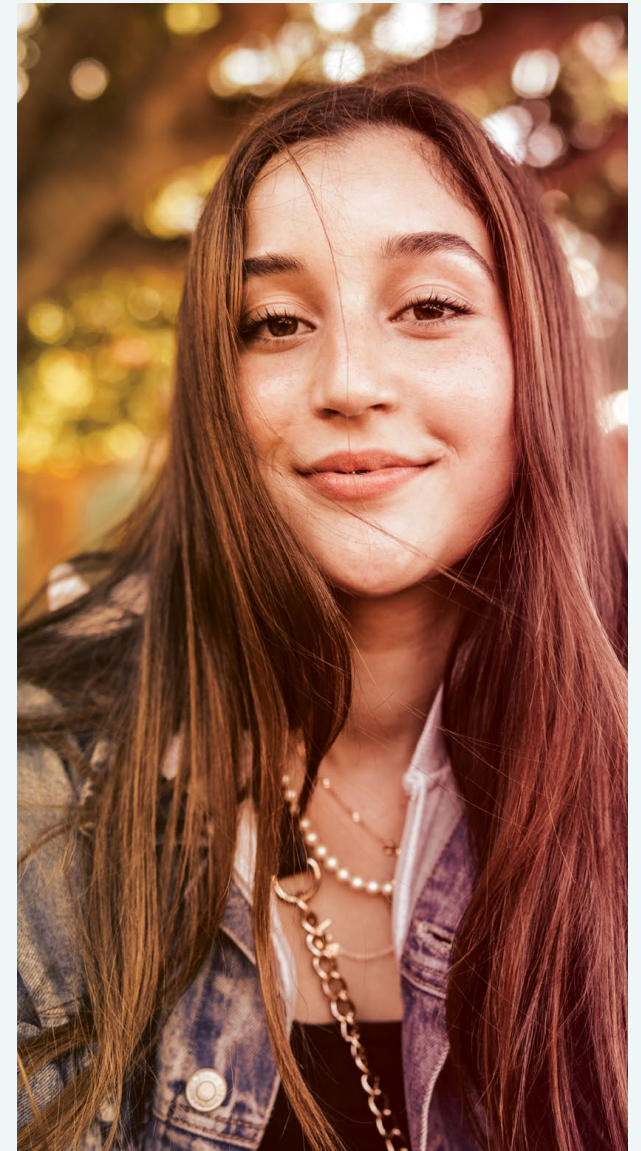


Principle
of effective
intervention



What are some of the main differences from the current legislation?

- Expanding Parliamentary recognition of children and young people to include;
 - the impacts of laws and policies that led to the Stolen Generation,
 - the State's responsibility to implement measures to safeguard and promote the cultural identity of Aboriginal and Torres Strait Islander children and young people, and
 - the *UN Convention on the Rights of the Child* and the *UN Declaration on the Rights of Indigenous Peoples* as documents which inform the Act.
- Focusing on a **whole of government and community response** to children and young people, with a public health approach enshrined
- Introducing Section 14, which amplifies and strengthens the **voices of children and young people**, and outlines the decisions to which their voice is to be heard
- Legislating for the preparation and maintenance of **Statements of Commitment** to children, young people, parents and families, and foster and kinship carers

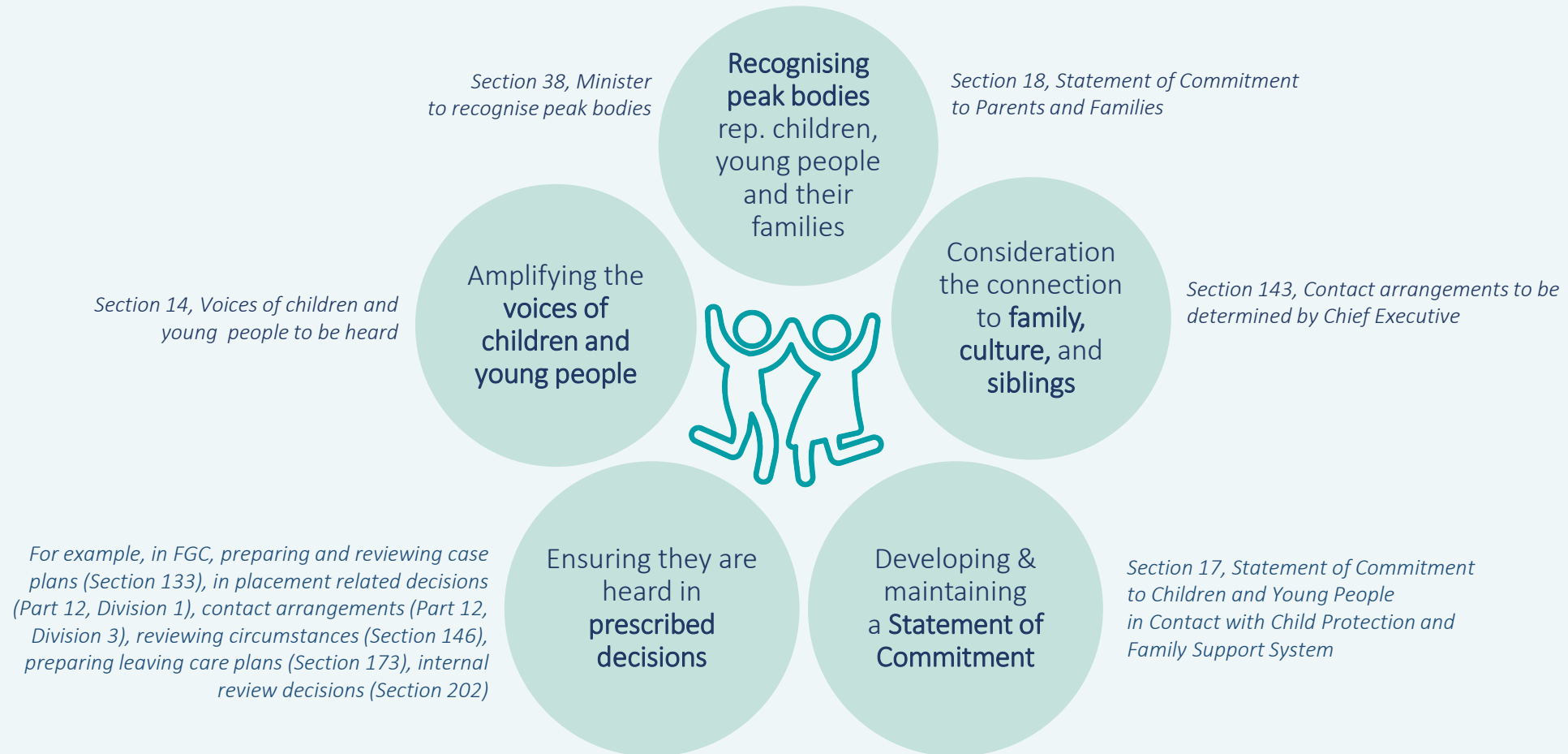


What are some of the main differences from the current legislation?

- Allowing for the **recognition of peak bodies** which represent the interests of certain sections of the community
- Legislating for activity which strengthens outcomes under **Closing the Gap**
- The development of a **State Strategy for the Safety and Support of Children and Young People (Part 5)**, including a part which sets out how it will be implemented, what the intended outcomes are (and those measures), and the roles and responsibilities of those prescribed persons or bodies
- An increase in the **reporting threshold for mandatory notifiers to significant harm**, and the recognition of exposure to domestic violence as a cause of harm
- The introduction of **Assessment Orders** (Section 115) with an eight-week initial timeframe, and one possible extension of four weeks, and a rule stipulating only one order within six months and that an application may only be adjourned one time (for not more than seven days) and must be determined within two weeks
- Changes in terminology, e.g. “Investigations” to “Assessments”, “Care Concerns” to “Quality of Care Reports”



How will the CYPSS Act 2025 further support children, young people, and their families?



How will the CYPSS Act 2025 further support kinship and foster carers?



How will the CYPSS Act 2025 strengthen accountability and consistency?



How will the CYPSS Act 2025 improve outcomes for Aboriginal and Torres Strait Islander children and young people, their families and communities?

The development of 23 sections (Part 4) covering “*additional provisions relating to Aboriginal and Torres Strait Islander children and young people*” including:

- additional guiding principles for Aboriginal and Torres Strait Islander CYP (Part 4, Division 3)
 - Section 49(1) recognising that “...the implementation of the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) to the standard of active efforts is the key mechanism by which the best interests of Aboriginal and Torres Strait Islander children and young people, and their families, can be realised;”
 - additional considerations for reunification (Section 50),
 - enshrining the principle of family-led decision making (Section 51),
 - additional considerations relating to best interests (Section 52)
- **expanding Family Group Conferences** with a requirement that these must be convened for Aboriginal and Torres Strait Islander families (Part 4, Division 6)



How will the CYPSS Act 2025 improve outcomes for Aboriginal and Torres Strait Islander children and young people, their families and communities?

- The opportunity for **delegated authority**, for some or all parts of child protection under the Act to Recognised Aboriginal Entities (Section 54). Provision for developing a Respected Persons Scheme (Section 59) and cultural support scheme (Section 46)
- The inclusion of the requirement to report against elements of Part 4 for Aboriginal and Torres Strait Islander children and young people in the Minister's annual report, to be tabled in Parliament. The requirement for a State Strategy to be developed with each part specifically addressing Aboriginal and Torres Strait Islander children and young people
- Outlining the purpose of family group conferences for Aboriginal and Torres Strait Islander children and young people to give effect to ATSI CPP, the need for self-determination and principles of family-led decision making, by:
 - ensuring the **Court will not make certain orders** unless satisfied the **ATSI CPP** has been implemented to the **standard of active efforts** (Section 60), or a family group conference has been convened (Section 57)
 - Ensuring the coordinator of a family group conference is Aboriginal or Torres Strait Islander where reasonably practicable and is not an employee of the department.



How will the CYPSS Act 2025 improve outcomes for Aboriginal and Torres Strait Islander children and young people, their families and communities?

- **Case Planning** (Part 11, Section 133) | no later than 6 months after child comes into care, and including:
 - wishes and preferences of CYP, parents and approved carers to be included
 - a part setting out (where applicable): a disability care plan, a reunification plan, which must indicate whether the reunification of the CYP and their parents is in the best interests of the CYP, and leaving care plan for CYP 15 and over
 - **Additional requirements** including the demonstration of **all elements of the ATSI CPP (*additional requirements for Aboriginal and Torres Strait Islander CYP in Part 4, Section 62*)**
 - a cultural maintenance plan with input from child, family, community and an Aboriginal organisation, and
 - a part setting out how cultural needs will be met, and how the child or young person will connect with family, community, culture and Country.
- A requirement that a Contact Arrangement Review Panel for Aboriginal and Torres Strait Islander children must be led by a presiding member and constituted of a majority of Aboriginal and Torres Strait Islander people (Section 64)

