



Australian Capital Territory

Children and Young People Amendment Act 2010

A2010-9

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Prenatal report information is sensitive information Section 365 (2)	2
5 Childcare service licence—childcare service standards Section 749 (2)	3
6 New section 749 (2A)	3
7 Section 749 (4)	3
8 Section 749 (5)	3
9 Who is an <i>information holder</i> ? Section 843, note	3
10 What is <i>sensitive information</i> ? Section 845 (2), definition of <i>care and protection report information</i>	4

J2008-911

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Contents

		Page
11	Certain identifying information not to be given Section 857 (a)	5
12	Section 857 (b)	5
13	New section 865A	5
14	Investigative entity may divulge protected information etc Section 867 (2) (d)	6
15	Interaction with other laws Section 875 (1)	7



Australian Capital Territory

Children and Young People Amendment Act 2010

A2010-9

An Act to amend the *Children and Young People Act 2008*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Children and Young People Amendment Act 2010*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This Act amends the *Children and Young People Act 2008*.

**4 Prenatal report information is sensitive information
Section 365 (2)**

substitute

(2) In this section:

prenatal report information means information—

- (a) in a prenatal report; or
- (b) received by the chief executive under section 362; or
- (c) that would allow the information mentioned in paragraph (a) or (b) to be worked out; or
- (d) that identifies a person as a person who gave the information mentioned in paragraph (a) or (b); or
- (e) that would allow a person's identity as a person who gave the information mentioned in paragraph (a) or (b) to be worked out.

**5 Childcare service licence—childcare service standards
Section 749 (2)**

after

(a *temporary standards exemption*)

insert

for a reasonable period

6 New section 749 (2A)

insert

(2A) The chief executive may give a childcare service more than 1 temporary standards exemption from a childcare service standard.

7 Section 749 (4)

omit

8 Section 749 (5)

substitute

(5) The chief executive may extend a temporary standards exemption for a reasonable period if satisfied of the matters mentioned in subsection (2) (a) to (d).

**9 Who is an *information holder*?
Section 843, note**

insert

- s 865A (Giving protected information to police).

10 **What is *sensitive information*?**
Section 845 (2), definition of *care and protection report information*

substitute

care and protection report information means information—

- (a) in a child concern report; or
- (b) received by the chief executive under section 360 or section 361; or
- (c) in a record that relates to—
 - (i) a notification under the *Children's Services Act 1986*, section 103 (as in force at any time); or
 - (ii) a report under the *Children and Young People Act 1999*, section 157A, section 158 or section 159 (as in force at any time); or
 - (iii) any other information received by the chief executive under the *Children and Young People Act 1999* about the suspected abuse or neglect of a child or young person; or
 - (iv) any information received about the suspected abuse or neglect of a child or young person at any time an ordinance was in force in relation to child welfare; or
- (d) that would allow information mentioned in paragraph (a), (b) or (c) to be worked out; or
- (e) that identifies a person as a person who gave the information mentioned in paragraph (a), (b) or (c); or
- (f) that would allow a person's identity as a person who gave the information mentioned in paragraph (a), (b) or (c) to be worked out.

**11 Certain identifying information not to be given
Section 857 (a)**

substitute

- (a) identifies a person as a person who made—
- (i) a child concern report; or
 - (ii) a prenatal report; or
 - (iii) a confidential report; or
 - (iv) an interstate care and protection report; or
 - (v) a notification under the *Children's Services Act 1986*, section 103 (as in force at any time); or
 - (vi) a report under the *Children and Young People Act 1999*, section 157A, section 158 or section 159 (as in force at any time); or

12 Section 857 (b)

after

report

insert

or notification

13 New section 865A

insert

865A Giving protected information to police

- (1) The chief executive must give protected information to the chief police officer if a matter has been referred to the chief police officer under section 360 (4) (c).

- (2) The chief executive may otherwise give protected information to the chief police officer if satisfied that the information is materially relevant to an investigation a police officer is carrying out.

Note The chief executive must regard the best interests of the child or young person as the paramount consideration or if a decision does not relate to a particular child or young person, the chief executive must consider the best interests of children and young people (see s 8).

- (3) Section 867 (Investigative entity may divulge protected information etc) applies to the chief police officer in relation to protected information provided to the chief police officer under this section.

**14 Investigative entity may divulge protected information etc
Section 867 (2) (d)**

substitute

- (d) the information does not include information that—
- (i) identifies a person as a person who made—
 - (A) a child concern report; or
 - (B) a prenatal report; or
 - (C) a confidential report; or
 - (D) an interstate care and protection report; or
 - (E) a notification under the *Children's Services Act 1986*, section 103 (as in force at any time); or
 - (F) a report under the *Children and Young People Act 1999*, section 157A, section 158 or section 159 (as in force at any time); or
 - (ii) would allow a person's identity as a person who made a report or notification mentioned in subparagraph (i) to be worked out.

**15 Interaction with other laws
Section 875 (1)**

after

information

insert

to the chief executive

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 10 December 2009.

2 Notification

Notified under the Legislation Act on 4 March 2010.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Children and Young People Amendment Bill 2010, which originated in the Legislative Assembly as the Children and Young People Amendment Bill 2009 (No 2) and was passed by the Assembly on 25 February 2010.

Acting Clerk of the Legislative Assembly

© Australian Capital Territory 2010