

2009

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Children and Young People)

Children and Young People Amendment Bill 2009 (No 2)

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(As presented)

(Minister for Children and Young People)

Children and Young People Amendment Bill 2009 (No 2)

A Bill for

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

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

1 **1 Name of Act**

2 This Act is the *Children and Young People Amendment Act 2009*
3 (*No 2*).

4 **2 Commencement**

5 This Act commences on the day after its notification day.

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

8 **3 Legislation amended**

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

10 **4 Prenatal report information is sensitive information**
11 **Section 365 (2)**

12 *substitute*

13 (2) In this section:

14 *prenatal report information* means information—

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

1 **5 Childcare service licence—childcare service standards**
2 **Section 749 (2)**

3 *after*
4 *(a temporary standards exemption)*
5 *insert*
6 for a reasonable period

7 **6 New section 749 (2A)**

8 *insert*
9 (2A) The chief executive may give a childcare service more than
10 1 temporary standards exemption from a childcare service standard.

11 **7 Section 749 (4)**

12 *omit*

13 **8 Section 749 (5)**

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

18 **9 Who is an *information holder*?**
19 **Section 843, note**

20 *insert*
21

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

1 **10** **What is *sensitive information*?**
2 **Section 845 (2), definition of *care and protection report***
3 ***information***

4 *substitute*

5 ***care and protection report information*** means information—

- 6 (a) in a child concern report; or
7 (b) received by the chief executive under section 360 or
8 section 361; or
9 (c) in a record that relates to—
10 (i) a notification under the *Children's Services Act 1986*,
11 section 103 (as in force at any time); or
12 (ii) a report under the *Children and Young People Act 1999*,
13 section 157A, section 158 or section 159 (as in force at
14 any time); or
15 (iii) any other information received by the chief executive
16 under the *Children and Young People Act 1999* about the
17 suspected abuse or neglect of a child or young person; or
18 (iv) any information received about the suspected abuse or
19 neglect of a child or young person at any time an
20 ordinance was in force in relation to child welfare; or
21 (d) that would allow information mentioned in paragraph (a), (b)
22 or (c) to be worked out; or
23 (e) that identifies a person as a person who gave the information
24 mentioned in paragraph (a), (b) or (c); or
25 (f) that would allow a person's identity as a person who gave the
26 information mentioned in paragraph (a), (b) or (c) to be worked
27 out.

1 **11 Certain identifying information not to be given**
2 **Section 857 (a)**

3 *substitute*

4 (a) identifies a person as a person who made—

5 (i) a child concern report; or

6 (ii) a prenatal report; or

7 (iii) a confidential report; or

8 (iv) an interstate care and protection report; or

9 (v) a notification under the *Children's Services Act 1986*,
10 section 103 (as in force at any time); or

11 (vi) a report under the *Children and Young People Act 1999*,
12 section 157A, section 158 or section 159 (as in force at
13 any time); or

14 **12 Section 857 (b)**

15 *after*

16 report

17 *insert*

18 or notification

19 **13 New section 865A**

20 *insert*

21 **865A Giving protected information to police**

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

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

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

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

11 **14 Investigative entity may divulge protected information etc**
12 **Section 867 (2) (d)**

13 *substitute*

14 (d) the information does not include information that—

15 (i) identifies a person as a person who made—

16 (A) a child concern report; or

17 (B) a prenatal report; or

18 (C) a confidential report; or

19 (D) an interstate care and protection report; or

20 (E) a notification under the *Children's Services*
21 *Act 1986*, section 103 (as in force at any time); or

22 (F) a report under the *Children and Young People*
23 *Act 1999*, section 157A, section 158 or section 159
24 (as in force at any time); or

25 (ii) would allow a person's identity as a person who made a
26 report or notification mentioned in subparagraph (i) to be
27 worked out.

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

3 *after*
4 information
5 *insert*
6 to the chief executive

Endnotes

- 1 **Presentation speech**
Presentation speech made in the Legislative Assembly on 2009.
- 2 **Notification**
Notified under the Legislation Act on 2009.
- 3 **Republications of amended laws**
For the latest republication of amended laws, see www.legislation.act.gov.au.
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