

**GOVERNMENT AMENDMENTS TO THE  
CHILDREN AND YOUNG PEOPLE BILL 1999**

**SUPPLEMENTARY EXPLANATORY MEMORANDUM**

This Supplementary Explanatory Memorandum only addresses each clause affected by the proposed changes to the Bill where the effect of those changes cannot be accommodated within the wording of the original explanatory memorandum.

Paragraph numbers relate to clauses in the Bill.

- 27 This clause specifically allows for the chief executive to request any Territory authority (such as police, schools, or hospitals and other medical services, whether or not they are established to provide services specifically for children and young people) to assist him or her in carrying out statutory functions under the Act. Entities are to comply promptly with requests, with compliance in good faith protected as under clause 45A.
- 28 This clause specifically allows for the chief executive and the Minister to share (by providing or receiving) information relevant to the safety, welfare or wellbeing of children and young people. It is intended to apply especially with respect to people with parental responsibility, carers and any relevant entities (again including police, schools, or hospitals and other medical services, whether or not they are established to provide services specifically for children and young people). The chief executive or Minister may give a person information he or she holds about the person. The chief executive may give a Minister relevant information and the Minister may give another Minister information.
- 41 The functions of the official visitor in relation to children and young people in shelters, institutions or in receipt of therapeutic protection are spelled out in this clause. Note that this clause differs from the comparable provision under the CSA by allowing (at paragraph (1)(c)) for the official visitor to receive complaints from any person, not just

a child or young person. Having investigated a complaint, the official visitor must provide a report to the chief executive and the community advocate and may give a copy to the Minister or a complainant subject to making any minor alterations to protect the privacy or confidentiality of any person referred to in the report.

- 43 This clause allows for the official visitor and the community advocate to agree as to which of them (or another entity) should investigate a complaint. If another entity has investigated, is investigating or will investigate the complaint, the official visitor may still do so, but is not required to. If he or she does not investigate for this reason, the official visitor may give the investigating entity any information he or she holds about the complaint.
- 45A This clause allows for information to be provided, received and exchanged in good faith with people in or outside the Territory under this Part, without incurring liability for breach of privacy, defamation or other laws.
- 202 If an application for a care and protection order of any type has been made, this clause allows for the court to exercise its powers under other legislation to make a domestic violence or restraining order, or both, in addition to or in substitution for any order sought or any interim order the court makes. Such an order can be made on application by a person who is an applicant (or cross-applicant) for a care and protection order. If the chief executive is not the applicant for the care and protection order, and an application is made to vary or revoke the domestic violence or restraining order made under this clause, the court must ensure the chief executive has been served with a copy of the variation or revocation application before determining it. These deeming provisions are to be added to the *Domestic Violence Act 1986* and the *Magistrates Court Act 1930*.