

**2009**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**CHILDREN AND YOUNG PEOPLE AMENDMENT BILL 2009 (No.2)**

**EXPLANATORY STATEMENT**

**Presented by  
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## **Children and Young People Amendment Bill 2009 (No.2)**

### **Outline**

The *Children and Young People Amendment Bill 2009 (No. 2)* is intended to provide clarity of interpretation regarding two main subject areas of the *Children and Young People Act 2008*; the provision of temporary standard exemptions for childcare licensees and the information sharing provisions.

#### **Clause 1 – Name of Bill**

This clause provides that the Bill is the *Children and Young People Amendment Bill 2009 (No.2)*.

#### **Clause 2 – Commencement**

This clause provides that the Act commences on the day after its notification.

#### **Clause 3 – Legislation amended**

This clause provides that the Act amends the *Children and Young People Act 2008*.

#### **Clause 4 – Section 365 (2) — Prenatal report information is sensitive information**

This clause provides an additional subsection enabling the information gathered following receipt of a prenatal report to be included within the definition of a prenatal report. All prenatal report information is sensitive information providing an appropriate level of protection to the reporter and maintaining the right to privacy of the pregnant woman.

#### **Clause 5 – Section 749 (2) - Childcare service licence -childcare service standards**

This clause enables the granting of a temporary standard exemption for a reasonable period of time. The determination of what is reasonable includes consideration of the matters prescribed in s749(2)(a-d).

#### **Clause 6 – Section 749 (2A)**

This new clause enables the provision of temporary standard exemptions for childcare licensees through the granting of exemptions on more than one occasion during a license period for any one standard.

#### **Clause 7 – Section 749 (4)**

This clause omits s794(4) as it is replaced by s749(2).

#### **Clause 8 – Section 749 (5)**

This clause enables the Chief Executive a temporary standard exemption for a reasonable period. The determination of what is reasonable includes consideration of the matters prescribed in s749(2)(a-d).

**Clause 9 – Section 843 — Who is an *information holder*?**

This clause provides an additional reference in the notes regarding the new section 865A.

**Clause 10 – Section 845 (2) — What is sensitive information?**

This clause replaces the previous definition of care and protection report information including all information gathered pursuant to actions taken following receipt of a child concern report, a child protection report or prenatal report of the *Children and Young People Act 2008*, a child protection report or prenatal report of the *Children and Young People Act 1999* and reporters of a notification under the *Children’s Services Act 1986*.

**Clause 11 – Section 857 — Certain identifying information not to be given**

This clause ensures the protection of reporters who make a prenatal report under the *Children and Young People Act 2008*, reporters under the *Children and Young People Act 1999* and reporters of a notification under the *Children’s Services Act 1986*.

**Clause 12 – Section 857 (b)**

This clause inserts a reference to a notification as this is the terminology used by the *Children’s Services Act 1986* when referring to a child concern or child protection report.

**Clause 13 – Section 865A — Giving protected information to police**

This clause provides an authority and discretion to the Chief Executive for the provision of protected information including the names of reporters, to the Australian Federal Police when conducting a criminal investigation:

- when requested following a referral made by the Chief Executive to Police under section 360(4)(c); or
- when the provision of the information is in the best interests of a child or young person or children and young people.

**Clause 14 – Section 867 (2)(d) — Investigative entity may divulge protected information**

This clause ensures the protection of reporters who have made a prenatal report under the Act, a report under the *Children and Young People Act 1999* and a notification under the *Children’s Services Act 1986*.

**Clause 15 – Section 875 (1) — Interaction with other laws**

This clause ensures that the restrictions contained in this Act continue to apply to an *information holders* who is performing a function under another law that is not a purpose under this Act.