

Authorised Version No. 001
Child Wellbeing and Safety Regulations 2017

S.R. No. 62/2017

Authorised Version as at
1 July 2017

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1 Objectives

The objectives of these Regulations are—

- (a) to prescribe 1 July 2017 as the date from which foster carers or persons who engage in certain child related work are employees for the purposes of the reportable conduct scheme under the **Child Wellbeing and Safety Act 2005**;
- (b) to prescribe a public health service as an entity to which the reportable conduct scheme under that Act will apply on and after 1 January 2018;
- (c) to prescribe Victoria Police as a body that is exempt from the requirement under that Act to comply with the Child Safe Standards;
- (d) to prescribe the chief psychiatrist as a person to whom certain information may be disclosed under section 16ZC of that Act;
- (e) to prescribe the form of notice of birth under section 43(2) of that Act; and
- (f) to prescribe the applicable entities for the purposes of item 5 of Schedule 5 to that Act to which the reportable conduct scheme applies on and from 1 January 2019.

2 Authorising provision

These Regulations are made under section 47 of the **Child Wellbeing and Safety Act 2005**.

3 Commencement

These Regulations come into operation on 1 July 2017.

4 Revocation

The following Regulations are **revoked**—

- (a) the Child Wellbeing and Safety Regulations 2007¹;
- (b) the Child Wellbeing and Safety Amendment (Child Safe Standards) Regulations 2015².

5 Definition

In these Regulations—

the Act means the **Child Wellbeing and Safety Act 2005**.

6 Prescribed date for definition of employee

For the purposes of paragraph (d) of the definition of *employee* in section 3(1) of the Act, the prescribed date is 1 July 2017.

7 Prescribed entity to which the reportable conduct scheme applies

For the purposes of paragraph (d) of the definition of *entity to which the reportable conduct scheme applies* in section 3(1) of the Act—

- (a) a public health service listed in Schedule 5 to the **Health Services Act 1988** is prescribed; and
- (b) the prescribed date in relation to that entity is 1 January 2018.

8 Exemption from requirement to comply with Child Safe Standards

For the purposes of section 19(1)(b) of the Act, Victoria Police (within the meaning of the **Victoria Police Act 2013**) is exempt from the

requirement referred to in section 19(1) of the Act.

9 Disclosure of information

- (1) For the purposes of section 16ZC(2)(f) of the Act, the chief psychiatrist is prescribed in relation to a reportable allegation against, or a concern that reportable conduct has been committed by, an employee of a mental health service provider in the course of providing mental health services to a child.
- (2) In this regulation, *chief psychiatrist* and *mental health service provider* have the same meanings as in the **Mental Health Act 2014**.

10 Early notification of births

For the purposes of section 43(2) of the Act, the form set out in Schedule 1 is prescribed.

11 Prescribed applicable entities with functions of a public nature

For the purposes of item 5 of Schedule 5 to the Act, the following applicable entities are prescribed—

- (a) the Australian Centre for the Moving Image established by section 21 of the **Film Act 2001**;
- (b) the Council of Trustees of the National Gallery of Victoria constituted by section 5 of the **National Gallery of Victoria Act 1966**;
- (c) the Geelong Performing Arts Centre Trust established by section 3(1) of the **Geelong Performing Arts Centre Trust Act 1980**;
- (d) the Library Board of Victoria constituted under section 16 of the **Libraries Act 1988**;

- (e) the Museums Board of Victoria established by section 10 of the **Museums Act 1983**;
- (f) the Victorian Arts Centre Trust constituted by section 4 of the **Victorian Arts Centre Act 1979**;
- (g) the Phillip Island Nature Park Board of Management Incorporated declared as a corporation under section 14A(1) of the **Crown Land (Reserves) Act 1978** by order of the Governor in Council dated 3 September 1996;
- (h) the Royal Botanic Gardens Board established under Part 2 of the **Royal Botanic Gardens Act 1991**;
- (i) the Zoological Parks and Gardens Board established under Part 2 of the **Zoological Parks and Gardens Act 1995**.

Schedule 1

Regulation 10

NOTICE OF BIRTH UNDER SECTION 43(2) OF THE CHILD WELLBEING AND SAFETY ACT 2005

- (a) *To the Chief Executive Officer of the council of the municipal district of [*insert name of municipal district*], being the municipal district in which the mother of the child usually resides.
- or
- (b) **[If (a) is not known]* To the Chief Executive Officer of the council of the municipal district of [*insert name of municipal district*], being the municipal district in which the birth occurred.
- or
- (c) **[If the mother of the child usually resides outside Victoria]* To the Secretary to the Department of Education and Training.

Full name of mother:

*Any other name(s) by which the mother is known:

Home address:

Telephone number:

Gave birth to a child: *Male/*Female/*Other

*Live born/*Stillborn

*Full term/*Premature

*Singleton/*Multiple

*Aboriginal

*Torres Strait Islander

Child's full name (where known):

Child's date of birth:

Time of birth: *a.m./*p.m.

At: Postcode:

In attendance: *Doctor [*insert name of doctor*]

*Midwife [*insert name of midwife*]

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Interpreter required: *Yes/*No [*if yes, please specify the language*]

Baby in special care nursery: *Yes/*No
[*if yes, please specify the nursery site*]

Signature of responsible person:

Full name of responsible person:

Responsible person means—

- (a) in the case of a child born in a hospital or brought to a hospital within 24 hours after birth, the chief executive officer of the hospital; or
- (b) in any other case—
 - (i) the doctor or midwife responsible for the professional care of the mother at the birth or a doctor who examined the body of the still-born child after the birth; or
 - (ii) if no doctor or midwife was in attendance at the birth, any other person in attendance at the birth.

* Delete if not applicable

Endnotes

1 General information

The Child Wellbeing and Safety Regulations 2017, S.R. No. 62/2017 were made on 27 June 2017 by the Governor in Council under section 47 of the **Child Wellbeing and Safety Act 2005**, No. 83/2005 and came into operation on 1 July 2017: regulation 3.

The Child Wellbeing and Safety Regulations 2017 will sunset 10 years after the day of making on 27 June 2027 (see section 5 of the **Subordinate Legislation Act 1994**).

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before

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1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

2 Table of Amendments

There are no amendments made to the Child Wellbeing and Safety Regulations 2017 by statutory rules, subordinate instruments and Acts.

3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.

4 Explanatory details

¹ Reg. 4(a): S.R. No. 102/2007.

² Reg. 4(b): S.R. No. 168/2015.