

LEGISLATIVE COUNCIL

CHILDREN LEGISLATION AMENDMENT (INFORMATION SHARING) BILL
2017

(Amendments to be proposed in Committee by Ms CROZIER)

1. Clause 5, page 4, lines 6 to 9, omit all words and expressions on these lines.
2. Clause 5, page 4, line 10, omit "(d)" and insert "(c)".
3. Clause 5, page 4, line 11, omit "(e)" and insert "(d)".
4. Clause 5, page 4, line 28, omit "2014;" and insert "2014;".
5. Clause 5, page 4, after line 28 insert—
 "*safety* means freedom from danger, risk or injury;
 "*wellbeing* means physical, psychological and emotional wellbeing;".
6. Clause 8, page 12, after line 2 insert—
 "**41UA Consent required**
 (1) Subject to subsection (2), an information sharing entity must not disclose confidential information under this Part without the consent of—
 (a) the person to whom the information relates; or
 (b) if the information relates to a child, a person who has parental responsibility of the child.
 (2) Subsection (1) does not apply to a disclosure of confidential information if the information sharing entity reasonably considers that the disclosure is necessary for a family violence protection purpose within the meaning of Part 5A of the **Family Violence Protection Act 2008**."
7. Clause 8, page 12, line 15, omit "may" and insert "will".
8. Clause 8, page 13, line 24, omit "may" and insert "will".
9. Clause 8, page 14, lines 29 and 30, omit "managing a risk to a child's safety" and insert "promoting the wellbeing or safety of a child".
10. Clause 8, page 15, lines 1 to 5, omit all words and expressions on these lines.
11. Clause 8, page 15, line 6, omit "(3)" and insert "(2)".
12. Clause 8, page 15, after line 16 insert—
 "**41ZAA Promotion of wellbeing or safety**

For the purposes of this Part, a disclosure of confidential information is made for the purpose of promoting the wellbeing or safety of a child or group of children if the information sharing entity that discloses the information reasonably considers that—

- (a) if the disclosure is not made, the wellbeing or safety of the child or group of children will be prejudiced; or
- (b) the disclosure will increase the wellbeing or safety of the child or group of children."

13. Clause 8, page 17, line 22, after "must" insert "securely".
14. Clause 10, page 42, lines 25 to 31, omit all words and expressions on these lines and insert—
 - "46J Consent required for collection, use or disclosure of information**
 - (1) Subject to subsection (2), the Secretary, or a person employed or engaged by the Secretary, must not collect, use or disclose confidential information under this Part without the consent of—
 - (a) the person to whom the information relates; or
 - (b) if the information relates to a child, a person who has parental responsibility of the child.
 - (2) Subsection (1) does not apply to a collection, use or disclosure of confidential information if the Secretary, or person employed or engaged by the Secretary, reasonably considers that the disclosure is necessary for a family violence protection purpose within the meaning of Part 5A of the **Family Violence Protection Act 2008**".
15. Clause 10, page 43, line 1, omit "(2)" and insert "(3)".
16. Clause 10, page 43, line 21, omit "a person or class of persons" and insert "4 persons".
17. Clause 10, page 43, line 25, omit "is" and insert "are".
18. Clause 10, page 43, line 26, omit "one or more of".
19. Clause 10, page 44, line 8, omit "a person or class of persons" and insert "one person".
20. Clause 10, page 44, lines 15 to 36 and page 45, lines 1 to 31, omit all words and expressions on these lines and insert—
 - "(g) one person employed or engaged by a council who is authorised in writing by the Chief Executive Officer of that council in relation to childhood services implementation or policy;

- (h) one person employed or engaged by a council who is authorised in writing by the Chief Executive Officer of that council in relation to Maternal and Child Health services;"
21. Clause 10, page 45, line 32, omit "(q)" and insert "(i)".
22. Clause 10, page 46, lines 1 to 11, omit all words and expressions on these lines and insert—
- "(j) one person employed or engaged by an approved education and care service who is authorised in writing by the approved provider;
- (k) one person employed or engaged by a licensed children's service who is authorised in writing by the licensee of the service;"
23. Clause 10, page 46, line 12, omit "(s)" and insert "(l)".
24. Clause 10, page 46, line 16, omit "school;" and insert "school."
25. Clause 10, page 46, lines 17 to 35 and page 47, lines 1 to 10, omit all words and expressions on these lines.
26. Clause 10, page 47, lines 11 to 21, omit all words and expressions on these lines and insert—
- "(2) For the purposes of subsection (1)(e), not more than 4 persons may be authorised.
- (3) For the purposes of subsection (1)(f), (g), (h), (j) and (k), not more than one person may be authorised."
27. Clause 10, page 48, lines 30 and 31, omit all words and expressions on these lines and insert—
- "A Child Link user may—
- (a) access the Register if that Child Link user reasonably believes that the Register contains information necessary for a purpose specified in Schedule 6 in relation to that Child Link user; and"
28. Clause 10, page 48, line 32, omit "(a)" and insert "(b)".
29. Clause 10, page 49, line 1, omit "(b)" and insert "(c)".
30. Clause 14, page 71, in column 1 of item 11 of the Table, omit "nurse employed or engaged by a council to provide maternal and child health programs for a Maternal and Child Health service" and insert "person employed or engaged by a council".
31. Clause 14, page 71, in column 2 of item 11 of the Table, omit "the" and insert "a".
32. Clause 14, pages 71 and 72, omit items 12, 13, 14 and 15 of the Table.

33. Clause 14, page 73, in the column of the Table titled Item, omit "16" and insert "12".
34. Clause 14, page 73, in column 1 of item 16 of the Table, omit "registered early childhood teacher providing education and care to children at an approved education and care service" and insert "person".
35. Clause 14, page 73, in column 1 of item 16 of the Table, after "the approved provider" insert "of an approved education and care service".
36. Clause 14, page 73, in the column of the Table titled Item, omit "17" and insert "13".
37. Clause 14, page 73, in column 1 of item 17 of the Table, omit "registered early childhood teacher providing education and care to children at a licensed children's service" and insert "person".
38. Clause 14, page 73, in column 1 of item 17 of the Table, omit "the service" and insert "a licensed children's service".
39. Clause 14, page 73, omit items 18 and 19 of the Table.
40. Clause 14, page 74, in the column of the Table titled Item, omit "20" and insert "14".
41. Clause 14, page 74, omit item 21 of the Table.
42. Clause 14, page 74, in the column of the Table titled Item, omit "22" and insert "15".
43. Clause 14, pages 75 and 76, omit items 23, 24, 25 and 26 of the Table.