

TASMANIA

**CHILDREN, YOUNG PERSONS AND THEIR
FAMILIES AMENDMENT BILL 2021**

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CHILDREN, YOUNG PERSONS AND THEIR FAMILIES AMENDMENT BILL 2021

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
2 September 2021

*(Brought in by the Minister for Children and Youth, the
Honourable Sarah Jane Courtney)*

A BILL FOR

An Act to amend the *Children, Young Persons and Their Families Act 1997*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Children, Young Persons and Their Families Amendment Act 2021*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

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3. Principal Act

In this Act, the *Children, Young Persons and Their Families Act 1997** is referred to as the Principal Act.

4. Section 77Z repealed

Section 77Z of the Principal Act is repealed.

5. Sections 111C and 111D inserted

After section 111B of the Principal Act, the following sections are inserted in Division 2:

111C. National database

(1) In this section –

national database means the database endorsed by the Secretary in accordance with subsection (2);

participating jurisdiction means the Commonwealth, a State or Territory if that jurisdiction has –

- (a) provided information to be stored in the national database; or
- (b) accessed information that is stored in the national database;

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relevant person, in relation to a child,
means a person who is, has been
or is likely to be –

- (a) a parent, or guardian, of the child; or
 - (b) a sibling of the child; or
 - (c) a carer of the child; or
 - (d) a person who has lived in the same household as the child; or
 - (e) a relative of the child, whether or not that relative is a biological relative; or
 - (f) a member of the family of the child; or
 - (g) a significant person in respect of the child; or
 - (h) a person who has been alleged, assessed or convicted of causing harm to the child; or
 - (i) a prescribed person, or a member of a class of prescribed persons, in respect of the child.
- (2) Subject to subsection (3), the Secretary may endorse a database to facilitate the

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information, specified in subsection (4), to be shared, for the purposes of this Act, between each participating jurisdiction.

- (3) The Secretary may only endorse a database under subsection (2) if the Secretary is satisfied on reasonable grounds that, as far as is practicable, the information recorded and stored in the national database is only accessed for one or more of the following purposes:
- (a) for a purpose authorised or required by, or under, this Act or another Act;
 - (b) for the purposes of providing a national exchange of information to inform assessments and interventions related to the safety and wellbeing of children;
 - (c) for the purposes of the administration of an Act of this State, another State or a Territory, or the Commonwealth.
- (4) The Secretary may specify the information, or class of information, that is to be recorded and stored in the national database in respect of a child, and each relevant person in respect of the child, if –
- (a) the Secretary is satisfied that the recording of such information in

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the national database is necessary to enable a person in a participating jurisdiction to perform duties or exercise powers under a child welfare law, or an interstate law, within the meaning of Part 8; and

- (b) the information has been collected under the authority of, or provided for the purposes of, this Act.
- (5) For the avoidance of doubt, information may be recorded and stored in the national database under subsection (4) in respect of a person if –
- (a) the person –
 - (i) was a child at the time when the information was collected, regardless of whether the person has since attained the age of 18 years; or
 - (ii) was a relevant person in respect of a child at the time when the information was collected, regardless of whether the child has since attained the age of 18 years; and

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- (b) the information was collected under the authority of, or provided for the purposes of, this Act, the *Child Protection Act 1974* or the *Child Welfare Act 1960*.
- (6) The *Personal Information Protection Act 2004* does not apply to information recorded and stored in, or accessed from, the national database to the extent that –
 - (a) the information is recorded and stored in the national database in accordance with this section; or
 - (b) the information is accessed in this jurisdiction by a person, or a member of a class of persons, approved by the Secretary to access the information.
- (7) Nothing in this section prevents the Secretary, or any other person, from disclosing information received or provided under this Act in respect of a child, or relevant person in respect of a child, if that information may be lawfully disclosed under this Act or any other Act.

111D. Disclosure of information

Despite anything to the contrary in this Act, the Secretary may disclose, to a person in another jurisdiction, any information that has come to the notice

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of the Secretary in the performance of duties or exercise of powers under this Act if the Secretary considers that it is necessary to do so to enable the person to perform duties or exercise powers under a child welfare law, or an interstate law, within the meaning of Part 8.

6. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.