

TASMANIA

CHILDREN, YOUNG PERSONS AND THEIR FAMILIES AMENDMENT BILL 2011

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CHILDREN, YOUNG PERSONS AND THEIR FAMILIES AMENDMENT BILL 2011

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.

P. R. ALCOCK, *Clerk of the House*
24 May 2011

*(Brought in by the Minister for Children, the Honourable
Michelle Anne O'Byrne)*

A BILL FOR

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

Be it enacted by His 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 2011*.

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 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by inserting after the definition of “regulations” the following definition:

“risk notification” means –

- (a) information voluntarily provided to the Secretary or a Community-Based Intake Service under section 13(2), or any similar voluntary notification to the Secretary or a Community-Based Intake Service; or
- (b) information provided to the Secretary or a Community-Based Intake Service under section 14(2); or
- (c) a report provided to the Secretary under section 18(3) or (5);

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5. Section 15 repealed

Section 15 of the Principal Act is repealed.

6. Section 16 amended (Confidentiality of person informing of knowledge, belief or suspicion of abuse or neglect or certain behaviour)

Section 16 of the Principal Act is amended as follows:

- (a) by omitting the definition of “notification” from subsection (1);
- (b) by inserting “risk” after “with a” in the definition of “notifier” in subsection (1);
- (c) by inserting in subsection (2) “risk” after “receives a”;
- (d) by inserting in subsection (7) “risk” after “to a”.

7. Section 17 amended (Secretary not obliged to take action in certain circumstances)

Section 17 of the Principal Act is amended as follows:

- (a) by omitting subsection (1);
- (b) by inserting in subsection (2) “risk” after “of a”.

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8. Section 17A amended (Secretary may refer risk notification)

Section 17A of the Principal Act is amended by inserting “risk” after “refer a”.

9. Section 18 amended (Assessment by Secretary)

Section 18 of the Principal Act is amended by omitting subsection (6).

10. Section 69 amended (Powers and duties of Secretary in relation to children under guardianship or in custody of Secretary generally)

Section 69(1)(b) of the Principal Act is amended by inserting “or any body of persons, corporate or unincorporate,” after “person”.

11. Section 101 amended (Failure to answer question or provide report or information)

Section 101 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “or information” after “report”;
- (b) by inserting in subsection (2) “or information” after “report”;
- (c) by omitting subsection (3).

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12. Section 101A inserted

After section 101 of the Principal Act, the following section is inserted in Division 1:

101A. Legal and professional immunity for disclosures, &c., made in good faith

- (1) This section applies if a person –
 - (a) answers a question or provides a report or information as required –
 - (i) by an assessment order; or
 - (ii) by an interim assessment order; or
 - (iii) by the Secretary under the authority of an assessment order or interim assessment order; or
 - (iv) otherwise under this Act; or
 - (b) provides a voluntary risk notification.
- (2) In so far as the person answers the question or provides the report, information or voluntary risk notification in good faith –
 - (a) the person does not thereby incur any civil or criminal liability; and

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(b) the person cannot be held to have thereby breached any code of professional etiquette or ethics, or to have departed from any accepted standard of professional conduct or to have contravened any Act.

(3) In this section –

“voluntary risk notification” means a notification referred to in paragraph (a) of the definition of “risk notification” in section 3(1).

13. Repeal of Act

This Act is repealed on the ninetieth day from the day on which it commences.