

Queensland



**CHILDREN'S SERVICES
LEGISLATION
AMENDMENT BILL 1998**



CHILDREN'S SERVICES LEGISLATION AMENDMENT BILL 1998

TABLE OF PROVISIONS

Section		Page
	PART 1—PRELIMINARY	
1	Short title	4
2	Commencement	4
	PART 2—AMENDMENT OF CHILDREN'S SERVICES ACT 1965	
3	Act amended in pt 2	4
4	Amendment of s 144 (Secrecy provisions)	4
	PART 3—AMENDMENT OF CHILDREN'S COMMISSIONER AND CHILDREN'S SERVICES APPEALS TRIBUNALS ACT 1996	
5	Act amended in pt 3	6
6	Amendment of s 3 (Dictionary)	6
7	Amendment of s 24 (Investigation of complaint about the delivery of children's services)	6
8	Amendment of s 76 (Confidentiality)	6
9	Insertion of new s 76A	7
	76A Application of Freedom of Information Act 1992	7
10	Amendment of sch (Dictionary)	7

1998

A BILL

FOR

***An Act to amend the Children's Services Act 1965 and the Children's
Commissioner and Children's Services Appeals Tribunals Act 1996***

The Parliament of Queensland enacts—

1

PART 1—PRELIMINARY

2

Short title

3

Clause **1.** This Act may be cited as the *Children's Services Legislation Amendment Act 1998*.

4

5

Commencement

6

Clause **2.** This Act commences on a day to be fixed by proclamation.

7

PART 2—AMENDMENT OF CHILDREN'S SERVICES ACT 1965

8

9

Act amended in pt 2

10

Clause **3.** This part amends the *Children's Services Act 1965*.

11

Amendment of s 144 (Secrecy provisions)

12

Clause **4.(1)** Section 144(1B)—

13

insert—

14

 'aa) to the Children's Commissioner for assessing or investigating a complaint under the *Children's Commissioner and Children's Services Appeals Tribunals Act 1996*; or'.

15

16

17

(2) Section 144—

18

insert—

19

 '**(1C)** If the Children's Commissioner asks the chief executive for information about a matter that may be given under subsection (1B)(aa), the

20

21

Children's Services Legislation Amendment

chief executive must give the commissioner the information.	1
‘(1D) However, the chief executive must not give identifying information unless—	2 3
(a) the chief executive has consulted under a regulation with the relevant notifier and the notifier has consented to the information being given; or	4 5 6
(b) the chief executive has taken all reasonable steps to consult under a regulation with the relevant notifier but has been unable to contact the notifier.	7 8 9
‘(1E) The chief executive must—	10
(a) comply with subsection (1D) in a way that takes account of the safety and welfare of the notifier; and	11 12
(b) keep the Children’s Commissioner informed of—	13
(i) matters concerning the safety and welfare of the notifier; and	14
(ii) the progress of any consultation, or any steps taken to consult, with the notifier.’.	15 16
(3) Section 144(5)—	17
insert—	18
‘ “ identifying information ” means information that identifies, or is likely to lead to the identification of, a notifier.	19 20
“ notifier ” means a person who has notified a public service officer or a police officer about the suspected maltreatment of a child.’.	21 22

**PART 3—AMENDMENT OF CHILDREN'S
COMMISSIONER AND CHILDREN'S SERVICES
APPEALS TRIBUNALS ACT 1996**

Act amended in pt 3

Clause 5. This part amends the *Children's Commissioner and Children's Services Appeals Tribunals Act 1996*.

Amendment of s 3 (Dictionary)

Clause 6. Section 3(1), 'schedule 2'—
omit, insert—
'the schedule'.

Amendment of s 24 (Investigation of complaint about the delivery of children's services)

Clause 7. Section 24(3)—
omit, insert—

'(3) In conducting the investigation, the commissioner may, by written notice, do any or all of the following—

- (a) inform the entity that provides the service (the “**service provider**”) of the nature of the complaint and that an investigation is being carried out;
- (b) invite the service provider to make a written submission about the complaint within the reasonable time stated in the notice;
- (c) invite the complainant and the service provider to a conference with a view to resolving the complaint.’.

Amendment of s 76 (Confidentiality)

Clause 8.(1) Section 76(3)(c), 'if the person'—
omit, insert—

Children's Services Legislation Amendment

‘if each person’.

(2) Section 76—

insert—

‘(4) Despite subsection (3), a person may not publish information given under the *Children's Services Act 1965*, section 144¹, in a way that identifies, or is likely to lead to the identification of—

(a) a child mentioned in the information; or

(b) a person who has notified a public service officer or a police officer about the suspected maltreatment of a child; or

(c) another person to whom the information relates.

‘(5) In this section—

“publish”, for information, means to publish it to the public in any way, including, for example, by way of television, newspaper, radio or the Internet.’.

Insertion of new s 76A

Clause 9. After section 76—

insert—

‘Application of *Freedom of Information Act 1992*

‘76A. For the *Freedom of Information Act 1992*, a document given to the commissioner under the *Children's Services Act 1965*, section 144, is taken not to be a document of the commission.’.

Amendment of sch (Dictionary)

Clause 10. Schedule, definition “children’s services legislation”—

insert—

‘(e) the repealed *Adoption of Children Act 1935*; or

(f) the repealed *Children's Protection Act 1896*; or

¹ *Children's Services Act 1965*, section 144 (Secrecy provisions)

Children's Services Legislation Amendment

- (g) the repealed *Guardianship and Custody of Infants Act 1891*; or 1
 - (h) the repealed *Infant Life Protection Act 1905*; or 2
 - (i) the repealed *State Children Act 1911*.'. 3
- 4