



New South Wales

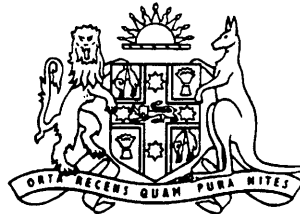
# Children (Care and Protection) Amendment (Disclosure of Information) Act 1996 No 116

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New South Wales

# **Children (Care and Protection) Amendment (Disclosure of Information) Act 1996 No 116**

Act No 116, 1996

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An Act to amend the *Children (Care and Protection) Act 1987* in relation to the disclosure of information concerning the welfare of children who are believed to be in need of care; and for other purposes. [Assented to 3 December 1996]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Children (Care and Protection) Amendment (Disclosure of Information) Act 1996*.

**2 Commencement**

This Act commences on the date of assent.

**3 Amendment of Children (Care and Protection) Act 1987 No 54**

The *Children (Care and Protection) Act 1987* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Section 3)

### [1] Section 22 Notification of child abuse

Insert after section 22 (1):

- (1A) Any person who forms the belief on reasonable grounds that a child who is aged 16 or 17 years has been, or is in danger of being, abused may notify the Director-General of that belief, and of the grounds for that belief, either orally or in writing.

### [2] Section 22 (7A), (7B) and (7C)

Insert after section 22 (7):

- (7A) Where a person notifies the Director-General under subsection (1A), the Director-General may (but is not required to) cause an investigation to be made into the matter so notified and (if appropriate) take action of the kind referred to in subsection (7) (b).
- (7B) For the purposes of any investigation under this section or of any action arising out of such an investigation, the Director-General may do either or both of the following:
  - (a) the Director-General may, in accordance with the requirements (if any) prescribed by the regulations, furnish a prescribed body with information relating to the welfare of a particular child or class of children,
  - (b) the Director-General may, in accordance with the requirements (if any) prescribed by the regulations, direct a prescribed body to furnish the Director-General with information relating to the welfare of a particular child or class of children.
- (7C) It is the duty of a person to whom a direction is given under subsection (7B) (b) to comply promptly with the requirements of the direction.

**[3] Section 22 (8)**

Omit “Where a person notifies the Director-General pursuant to subsection (1) or (4)”.

Insert instead “Where a notification is given under subsection (1), (1A) or (4) or information is furnished under subsection (7B) or (7C)”.

**[4] Section 22 (8) (a) and (c)**

Omit “the notification” wherever occurring.

Insert instead “the making of the notification or the furnishing of the information”.

**[5] Section 22 (8) (b)**

Insert “or the furnishing of the information” after “notification”.

**[6] Section 22 (8)**

Insert at the end of the subsection:

Paragraphs (d) and (e) do not apply in respect of information furnished under subsection (7B) or (7C).

**[7] Section 22 (8A)**

Insert after section 22 (8):

(8A) A reference in subsection (8) to information furnished under subsection (7B) or (7C) extends to any information so furnished in good faith and with reasonable care.

**[8] Section 22 (12) and (13)**

Insert after section 22 (11):

(12) A provision of any Act or law that prohibits or restricts the disclosure of information does not operate to prevent the furnishing of information (or affect a duty to furnish information) under this section. Nothing in this subsection affects any obligation or power to provide information apart from this subsection.

(13) In this section:

*prescribed body* means:

- (a) the Police Service, a Government Department or a public authority, or
- (b) a government school or a registered non-government school within the meaning of the *Education Reform Act 1990*, or
- (c) an area health service within the meaning of the *Area Health Services Act 1986*, or
- (d) a hospital or an authorised hospital within the meaning of the *Mental Health Act 1990*, or
- (e) an incorporated hospital or a separate institution within the meaning of the *Public Hospitals Act 1929*, or
- (f) any other body or class of bodies (including an unincorporated body or bodies) prescribed by the regulations for the purposes of this section.

**[9] Schedule 3 Savings and transitional provisions**

Insert at the end of clause 1 (1):

*Children (Care and Protection) Amendment (Disclosure of Information) Act 1996*

[Minister's second reading speech made in—  
Legislative Council on 20 November 1996  
Legislative Assembly on 27 November 1996]