

[Act 1995 No 78]



New South Wales

Children (Care and Protection) Amendment Bill 1995

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.*

Overview of Bill

The object of this Bill is to amend the *Children (Care and Protection) Act 1987* so as to establish a statutory committee whose functions will include the review of child deaths and the analysis of child deaths that are associated with abuse, neglect and other prescribed circumstances. The committee is to be called the Child Death Review Team. The Team will formulate recommendations as to policies and practices to be implemented by government and private agencies and by the community for the prevention or reduction of child deaths. For this purpose the Team will be empowered to obtain information through government agencies and will review and analyse this information.

* Amended in committee — see table at end of volume.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be proclaimed.

Clause 3 is a formal provision giving effect to the amendments to the *Children (Care and Protection) Act 1987* set out in Schedule 1.

Clause 4 is a formal provision giving effect to the amendment to the *Freedom of Information Act 1989* set out in Schedule 2.

Schedule 1 Amendment of Children (Care and Protection) Act 1987

Child Death Review Team

Schedule 1 [3] inserts a new Part 7A into the Act, which contains the following provisions:

Proposed section 102

This section establishes the Child Death Review Team. It is to consist of representatives of government sector organisations whose responsibilities are centred on or involve child care and protection, together with professional experts. The section empowers the Minister to appoint *ad hoc* additional members whose qualifications or experience would be valuable on particular projects.

Proposed section 103

This section states the functions of the Team.

Proposed section 104

This section obliges the heads of government agencies and other prescribed officers to furnish the Team with the information it needs to carry out its functions, and authorises the Minister and other Ministers responsible for persons or bodies having official functions to co-ordinate procedures for the provision of this information.

Proposed section 105

This section requires the Team, in consultation with the Minister, to prepare an annual report containing recommendations for implementation by government and private sector agencies and the community of policies and practices for the prevention or reduction of child deaths. The report is to be tabled in Parliament. The proposed section also provides for periodic publication by the Team of data collected and information relating to child deaths.

Proposed section 106

This section deals with confidentiality of records to which the Team is given access for the purposes of the proposed Act. Records in the hands of the Team are strictly confidential and their production cannot be compelled by courts or tribunals. Team members and their staff may only divulge information for the purposes of the Team's functions or in other circumstances prescribed by the regulations.

Proposed section 107

This section empowers the Minister to issue guidelines for the Team's conduct of operations in order to ensure confidentiality and privacy of records and information furnished to the Team and of reports made by the Team and other prescribed matters.

Proposed section 108

This section provides for review of the proposed new Part and its policy objectives.

Minor amendments

Schedule 1 [1] inserts a definition of *Child Death Review Team*.

Schedule 1 [2] amends section 22 of the Act so as to draw a distinction between the performance by the Child Death Review Team of its functions and the practice of individual members in their private professional capacities for the purposes of the legal requirement to report instances of child abuse. This requirement does not apply to Team members or members of the Team's staff in the course of performing their duties under the Act.

Schedule 1 [4] inserts a new Schedule 2A, which deals with matters of detail concerning the membership and procedure of the Team.

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Schedule 2 Consequential amendment of Freedom of Information Act 1989

This Schedule exempts the Child Death Review Team from the operation of the *Freedom of Information Act 1989*.