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Child Wellbeing and Safety (Information Sharing) Amendment Regulations 2020

S.R. No.

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STATUTORY RULES 2020

First Draft 26/11/2020

S.R. No.

Child Wellbeing and Safety Act 2005

**Child Wellbeing and Safety (Information Sharing)
Amendment Regulations 2020**

The Governor in Council makes the following Regulations:

Dated:

Responsible Minister:

INGRID STITT
Minister for Early Childhood

Clerk of the Executive Council

1 Objective

The objective of these Regulations is to amend the Child Wellbeing and Safety (Information Sharing) Regulations 2018—

- (a) to prescribe additional persons and bodies as information sharing entities for the purposes of Part 6A of the **Child Wellbeing and Safety Act 2005**; and
- (b) to provide for an information sharing entity that is a public sector body Head to delegate powers, duties and functions of an information sharing entity under Part 6A of the **Child Wellbeing and Safety Act 2005** and the Child Wellbeing and Safety (Information Sharing) Regulations 2018.

2 Authorising provisions

These Regulations are made under sections 46ZC and 47 of the **Child Wellbeing and Safety Act 2005**.

3 Commencement

These Regulations come into operation on 19 April 2021.

4 Principal Regulations

In these Regulations, the Child Wellbeing and Safety (Information Sharing) Regulations 2018¹ are called the Principal Regulations.

5 Objectives of Principal Regulations amended

After regulation 1(a) of the Principal Regulations **insert—**

"(ab) to provide for an information sharing entity that is a public sector body Head to delegate powers, duties and functions of an information sharing entity under Part 6A of the **Child Wellbeing and Safety Act 2005** and these Regulations; and".

6 Definitions

(1) In regulation 4 of the Principal Regulations **insert** the following definitions—

"approved education and care service has the same meaning as in the Education and Care Services National Law (Victoria);

Catholic school means a registered school established to provide education based on the principles of the Catholic doctrine;

centre-based service has the same meaning as in the National Regulations;

education and care service has the same meaning as in the Education and Care Services National Law (Victoria);

enrolled nurse means a person registered in Division 2 of the Register of Nurses kept by the Nursing and Midwifery Board of Australia under the Health Practitioner Regulation National Law, other than as a student;

general practice nurse means a registered nurse or an enrolled nurse;

Government school has the same meaning as in the **Education and Training Reform Act 2006**;

National Regulations means the regulations made under the Education and Care Services National Law (Victoria);

non-Government school has the same meaning as in the **Education and Training Reform Act 2006**;

operator, in relation to a non-Government school means the body that is responsible for managing and conducting the operations of a non-Government school;

registered medical practitioner means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student);

registered nurse means a person registered in Division 1 of the Register of Nurses kept by the Nursing and Midwifery Board of Australia under the Health Practitioner Regulation National Law, other than as a student;

registered school has the same meaning as in the
Education and Training Reform Act 2006;

relevant education and care service means an
approved education and care service that is a
centre-based service, except to the extent that
the service provides education and care
during school holidays to children who are
school children within the meaning of the
Education and Care Services National Law
(Victoria);

supported playgroup means a playgroup that is
funded by the Department of Health and
Human Services and that has a paid
facilitator;"

- (2) In regulation 4 of the Principal Regulations, in the
definition of ***Multi-Agency Panel to Prevent
Youth Offending meeting***, for "Regulation"
substitute "Community Safety".

7 Regulation 5 substituted

For regulation 5 of the Principal Regulations
substitute—

"5 Prescribed information sharing entities

For the purposes of section 41R of the Act,
the persons and bodies set out in Schedule 1
are information sharing entities."

8 New regulation 5A inserted

After regulation 5 of the Principal Regulations
insert—

"5A Delegation

The Secretary to the Department of
Education and Training, as an information
sharing entity, may, by instrument, delegate
any of the powers, functions or duties of an
information sharing entity under Part 6A of

the Act or these Regulations, other than this power of delegation, to any person employed or engaged by the Secretary to the Department of Education and Training."

9 Regulation 6 amended

In regulation 6 of the Principal Regulations for "prescribed under regulation 5(1)" **substitute** "specified in item 12 of Schedule 1".

10 New Schedule 1 inserted

After regulation 10 of the Principal Regulations **insert—**

**"Schedule 1—Prescribed
information sharing entities**

Regulation 5

<i>Column 1</i>	<i>Column 2</i>
<i>Item</i>	<i>Prescribed information sharing entities</i>
1	A community-based child and family service within the meaning of the Children, Youth and Families Act 2005 , to the extent that it performs the functions of a community-based child and family service.
2	The Secretary to the Department of Health and Human Services, to the extent that— (a) the Secretary performs functions under the Children, Youth and Families Act 2005 ; or (b) that Department performs functions under the Housing Act 1983 ; or (c) that Department assists with the performance of the Director of Housing's functions under the Housing Act 1983 ; or

Child Wellbeing and Safety (Information Sharing) Amendment
Regulations 2020

<i>Column 1</i>	<i>Column 2</i>
<i>Item</i>	<i>Prescribed information sharing entities</i>
	<ul style="list-style-type: none"> (d) the Secretary exercises powers conferred under regulation 15(3) of the Immigration (Guardianship of Children) Regulations 2018 (Commonwealth) in relation to a function delegated to the Secretary under section 5 of the Immigration (Guardianship of Children) Act 1946 (Commonwealth); or (e) the Secretary performs functions under the Human Services (Complex Needs) Act 2009; or (f) the Secretary performs functions under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997; or (g) the Secretary performs functions under the Sentencing Act 1991; or (h) the Secretary performs functions under the Disability Act 2006; or (i) that Department provides maternal and child health advice through a state-wide telephone service.
3	The Disability Services Commissioner within the meaning of the Disability Act 2006 .
4	The Director of Housing within the meaning of the Housing Act 1983 .
5	The Commission for Children and Young People established by section 6 of the Commission for Children and Young People Act 2012 .
6	A registered out of home care service within the meaning of the Children, Youth and Families Act 2005 , to the extent that it performs the functions of a registered out of home care service.

Child Wellbeing and Safety (Information Sharing) Amendment
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<i>Column 1</i>	<i>Column 2</i>
<i>Item</i>	<i>Prescribed information sharing entities</i>
7	A person or body that is engaged or funded under a State contract to provide homelessness accommodation or homelessness support services, to the extent that the person or body performs functions relating to the provision of homelessness accommodation or homelessness support services.
8	A mental health service provider within the meaning of the Mental Health Act 2014 that is engaged or funded under a State contract to provide mental health services, to the extent that the mental health service provider performs functions relating to the provision of mental health services.
9	A person or body that is engaged or funded under a State contract to provide alcohol and other drugs services, to the extent that the person or body performs functions relating to the provision of alcohol and other drugs services.
10	A person or body that is engaged or funded under a State contract to provide services to victim survivors of sexual assault and perform family violence information sharing functions, to the extent that the person or body performs functions relating to the provision of services to victim survivors of sexual assault.
11	A person or body that is engaged or funded under a State contract to provide treatment services for sexually abusive behaviour, to the extent that the person or body performs functions relating to the provision of sexually abusive behaviour treatment services.

Child Wellbeing and Safety (Information Sharing) Amendment
Regulations 2020

<i>Column 1</i>	<i>Column 2</i>
<i>Item</i>	<i>Prescribed information sharing entities</i>
12	A person or body that participates in a Risk Assessment and Management Panel meeting, to the extent that the person or body performs functions that relate to the person or body's participation in a Risk Assessment and Management Panel meeting, including preparation for and attendance at a meeting and associated follow-up actions or activities.
13	A person or body that provides specialist family violence services and is engaged or funded under a State contract to perform family violence information sharing functions, to the extent that the person or body performs functions relating to the provision of specialist family violence services.
14	<p>The Secretary to the Department of Justice and Community Safety, to the extent that—</p> <ul style="list-style-type: none"> (a) that Department manages or delivers justice, health, rehabilitation or reintegration services or programs for children; or (b) that Department provides victims of crime support through a statewide telephone service; or (c) the Secretary performs functions under the Children, Youth and Families Act 2005; or (d) that Department supports the performance of the functions under Chapter 5 of the Children, Youth and Families Act 2005 of the Youth Parole Board within the meaning of that Act; or

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Regulations 2020

<i>Column 1</i>	<i>Column 2</i>
<i>Item</i>	<i>Prescribed information sharing entities</i>
	(e) that Department supports the performance of the functions of the Registrar within the meaning of the Births, Deaths and Marriages Registration Act 1996 under that Act and the Relationships Act 2008 .
15	A person or body that is engaged or funded under a State contract by the Department of Justice and Community Safety to provide or deliver health, rehabilitation or reintegration services or programs for children, to the extent that the person or body provides or delivers those services or programs directly to children.
16	A person or body that is engaged or funded under a State contract to provide youth justice community support services or programs, to the extent that the person or body performs functions relating to youth justice community support services or programs.
17	A person or body that is engaged or funded under a State contract by the Department of Justice and Community Safety to provide case management services to victims of crime, to the extent that the person or body performs functions relating to the provision of case management services to victims of crime.
18	Victoria Police within the meaning of the Victoria Police Act 2013 .
19	A Council to the extent that it provides maternal and child health programs.

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<i>Column 1</i>	<i>Column 2</i>
<i>Item</i>	<i>Prescribed information sharing entities</i>
20	A person or body engaged by a Council to provide maternal and child health programs for a maternal and child health service on behalf of the Council, to the extent that the person or body performs functions relating to the provision of maternal and child health programs.
21	A person or body that is engaged or funded under a State contract to provide maternal and child health services, to the extent that the person or body performs functions relating to the provision of maternal and child health services.
22	A person or body that participates in a Multi-Agency Panel to Prevent Youth Offending meeting, to the extent of that participation, including preparation for and attendance at the meeting and associated follow-up actions or activities.
23	A body that is declared to be an authorised Hub entity under section 144SC of the Family Violence Protection Act 2008 , to the extent that the body provides services in relation to a body known as a Support and Safety Hub established by Family Safety Victoria.
24	A person or body that is engaged or funded under a State contract to provide family violence perpetrator intervention programs or services, including trials of such programs or services, to the extent that the person or body performs functions relating to the provision of family violence perpetrator intervention programs or services.
25	The Victorian Institute of Teaching continued in operation by section 2.6.2 of the Education and Training Reform Act 2006 .

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<i>Column 1</i>	<i>Column 2</i>
<i>Item</i>	<i>Prescribed information sharing entities</i>
26	The Victorian Curriculum and Assessment Authority continued in operation by section 2.5.2 of the Education and Training Reform Act 2006 .
27	The Victorian Registration and Qualifications Authority established by section 4.2.1 of the Education and Training Reform Act 2006 .
28	A Government school.
29	An operator of a non-Government school, to the extent that the operator performs student-related functions in relation to the day to day organisation, management and administration of a non-Government school.
30	The Secretary to the Department of Education and Training, to the extent that— <ul style="list-style-type: none">(a) that Department manages or delivers programs which support the educational outcomes of children and young people involved in the criminal justice system; or(b) that Department manages or delivers programs which support educational outcomes for children and young people in out-of-home care; or(c) that Department manages or delivers student support services to assist children and young people with learning, mental health and developmental barriers; or

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<i>Column 1</i>	<i>Column 2</i>
<i>Item</i>	<i>Prescribed information sharing entities</i>
	<ul style="list-style-type: none"> (d) that Department manages or delivers emergency and critical incident management, security, and incident management programs and services for registered schools; or (e) that Department manages or delivers programs and services to assist children and young people with vision impairments; or (f) that Department manages or delivers chaplaincy programs to support the emotional wellbeing of students; or (g) that Department manages the approval and regulation of education and care services; or (h) that Department manages the approval and regulation of children's services under the Children's Services Act 1996; or (i) that Department manages or delivers programs and services to support cultural engagement and improved outcomes for Aboriginal children and young people.
31	An approved provider of a relevant education and care service located in Victoria to the extent that the approved provider performs child-related functions in relation to the day to day organisation, management and administration of the service.
32	A person or body that is engaged or funded under a State contract to provide chaplaincy services, to the extent that the person or body performs functions relating to the provision of chaplaincy services in Government schools.

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Regulations 2020

<i>Column 1</i>	<i>Column 2</i>
<i>Item</i>	<i>Prescribed information sharing entities</i>
33	A person or body that is engaged or funded under a State contract to provide mental health support services, to the extent that the person or body performs functions relating to the provision of mental health support services in Government schools.
34	A person or body that is engaged or funded under a State contract to provide education support to children and young people experiencing chronic health conditions, to the extent that the person or body performs functions relating to the provision of those services at the Royal Children's Hospital.
35	A person or body that is engaged or funded under a State contract by the Department of Education and Training to provide early intervention services to children and young people at risk of disengaging with education, to the extent that the person or body performs functions relating to the provision of those services.
36	A person or body that is engaged or funded under a State contract by the Department of Education and Training to provide re-engagement services to children and young people at risk of disengaging with education, to the extent that the person or body performs functions relating to the provision of those services.
37	A person or body that is engaged or funded under a State contract to manage or deliver primary school nursing programs and services, to the extent that the person or body performs functions relating to the provision of primary school nursing programs and services in registered schools.

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<i>Column 1</i>	<i>Column 2</i>
<i>Item</i>	<i>Prescribed information sharing entities</i>
38	A person or body that is engaged or funded under a State contract to manage or deliver secondary school nursing programs and services, to the extent that the person or body performs functions relating to the provision of secondary school nursing programs and services in Government schools.
39	A person or body that is engaged or funded under a State contract by the Department of Education and Training to manage or deliver programs which support educational outcomes for children and young people in out-of-home care, to the extent that the person or body performs functions relating to the provision of programs to support educational outcomes for children and young people in out-of-home care.
40	A person or body that is engaged or funded under a State contract by the Department of Education and Training to manage or deliver student support services to assist children and young people with learning, mental health and developmental barriers, to the extent that the person or body performs functions relating to the provision of services to assist children and young people with learning, mental health and developmental barriers.
41	A body that operates under the auspices of the Catholic Church and that provides support or services to Catholic schools, to the extent that the body performs functions relating to— <ul style="list-style-type: none"> (a) student wellbeing or safety; or (b) the promotion and management of professional ethics and conduct; or (c) learning diversity.

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<i>Column 1</i>	<i>Column 2</i>
<i>Item</i>	<i>Prescribed information sharing entities</i>
42	Ambulance Service—Victoria within the meaning of the Ambulance Services Act 1986 .
43	A registered funded agency within the meaning of the Health Services Act 1988 , to the extent that it performs the functions of a registered funded agency.
44	A multi-purpose service within the meaning of the Health Services Act 1988 , to the extent that it performs the functions of a multi-purpose service.
45	A registered agency within the meaning of the Housing Act 1983 , to the extent that it performs the functions of a registered agency.
46	A registered medical practitioner who practises in the medical profession as a general practitioner in Victoria.
47	A general practice nurse who is employed by, or whose services are otherwise retained by, a general practice in Victoria.
48	A person or body that is engaged or funded under a State contract to provide case management support for at risk social housing tenants to assist to establish or sustain a tenancy, to the extent that the person or body delivers those services.
49	A person or body that provides settlement or targeted casework services specifically for migrants, refugees or asylum seekers, to the extent that the person or body provides settlement or casework services for migrants, refugees or asylum seekers.

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<i>Column 1</i>	<i>Column 2</i>
<i>Item</i>	<i>Prescribed information sharing entities</i>
50	A person or body that is engaged or funded under a State contract to provide specialist forensic disability accommodation services, to the extent that the person or body performs functions relating to the provision of specialist forensic disability accommodation services.
51	An approved provider of a residential care service within the meaning of the Aged Care Act 1997 (Commonwealth) that provides State funded residential aged care services, including State funded residential aged care homes but not including supported residential services within the meaning of the Supported Residential Services (Private Proprietors) Act 2010 .
52	A person or body that is engaged or funded under a State contract to provide supported playgroups, to the extent that the person or body performs functions relating to supported playgroups.
53	A registered community health centre within the meaning of the Health Services Act 1988 , to the extent that it performs the functions of a registered community health service.
54	An incorporated association that is engaged or funded under a State contract to provide a Bush Nursing Centre, to the extent that the incorporated association performs functions relating to the provision of a Bush Nursing Centre.
55	The Victorian Disability Worker Commission established under section 21(1) of the Disability Service Safeguards Act 2018 .

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<i>Column 1</i>	<i>Column 2</i>
<i>Item</i>	<i>Prescribed information sharing entities</i>
56	The Disability Worker Registration Board of Victoria established under section 8 of the Disability Service Safeguards Act 2018 .

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Endnotes

Endnotes

¹ Reg. 4: S.R. No. 119/2018.