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

**S.R. No. X/2020**

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S.R. No. X/2020

***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:

James Merlino

Minister for Education

pieta tavrou

Clerk of the Executive Council

1 Objectives

The objective of these Regulations is to amend the Child Wellbeing and Safety (Information Sharing) Regulations 2018 to prescribe additional persons and bodies as information sharing entities for the purposes of Part 6A of the **Child Wellbeing and Safety Act 2005**.

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 1 September 2020.

4 Principal Regulations

In these Regulations, the **Child Wellbeing and Safety (Information Sharing) Regulations 2018**[[1]](#endnote-1) are called the Principal Regulations.

5 Definitions

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

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

***education and care service*** has the same meaning as in **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**;

***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**;

***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”.

6 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.”.

7 Regulation 6 amended

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

8 Regulation 10 amended

In regulation 10 of the Principal Regulations—

(a) in paragraph (d), for "**2006**." **substitute** "**2006**;";

(b) after paragraph (d) **insert**—

"(g) section 21M of the **Evidence (Miscellaneous Provisions) Act 1958**.".

9 New Schedule 1 inserted

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

“Schedule 1 – Prescribed information sharing entities

Regulation 5

| *Column 1*  *Item* | *Column 2*  *Prescribed information sharing entities* |
| --- | --- |
| 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—   1. the Secretary performs functions under the **Children, Youth and Families Act 2005**; or 2. that Department performs functions under the **Housing Act 1983**; or 3. that Department assists with the performance of the Director of Housing's functions under the **Housing Act 1983**; or 4. 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 5. the Secretary performs functions under the **Human Services (Complex Needs) Act 2009**; or 6. the Secretary performs functions under the **Crimes (Mental Impairment and Unfitness to be Tried) Act 1997**; or 7. the Secretary performs functions under the **Sentencing Act 1991**; or 8. the Secretary performs functions under the **Disability Act 2006**; or 9. 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. |
| 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 sexually abusive behaviour treatment services, to the extent that the person or body performs functions relating to the provision of sexually abusive behaviour treatment services. |
| 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 action 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 those services. |
| 14 | The Secretary to the Department of Justice and Community Safety, to the extent that—   1. that Department manages or delivers justice, health, rehabilitation or reintegration services or programs for children; or 2. that Department provides victims of crime support through a statewide telephone service; or 3. the Secretary performs functions under the **Children, Youth and Families Act 2005**; or 4. 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 thatAct; or 5. 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**; or 6. persons within that Department are declared to be mediators under section 21K of the **Evidence (Miscellaneous Provisions) Act 1958**. |
| 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 they provide or deliver 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 provides the youth justice community support services or programs. |
| 17 | A person or body that is engaged or funded under a State contract to provide case management services to victims of crime, to the extent that the person or body performs functions relating to the delivery 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. |
| 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 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 provisions of family violence perpetrator intervention programs or services. |
| 24 | The Victorian Institute of Teaching continued by section 2.6.2 of the **Education and Training Reform Act 2006**. |
| 25 | The Victorian Curriculum and Assessment Authority continued by section 2.5.2 of the **Education and Training Reform Act 2006**. |
| 26 | The Victorian Registration and Qualifications Authority established under section 4.2.1 of the **Education and Training Reform Act 2006**. |
| 27 | A registered school. |
| 28 | The Secretary to the Department of Education and Training, to the extent that—   1. that Department manages or delivers programs which support the educational outcomes of children and young people involved in the criminal justice system; or 2. that Department manages or delivers programs which support educational outcomes for children and young people in out-of-home care; or 3. that Department manages or delivers student support services to assist children and young people with learning, mental health and developmental barriers; or 4. that Department manages or delivers emergency and critical incident management, security, and incident management programs and services for registered schools; or 5. that Department manages or delivers programs and services to assist children and young people with vision impairments; or 6. that Department manages or delivers chaplaincy programs to support the emotional wellbeing of students; or 7. that Department manages the approval and regulation of education and care services; or 8. that Department manages the licensing and regulation of children’s services under the **Children’s Services Act 1996**; or 9. that Department operates or manages services for kindergartens based in local government or community organisations, to the extent that the services have direct engagement with children or hold relevant information about children; or 10. that Department manages or delivers programs and services to support cultural engagement and improved outcomes for Aboriginal children and young people. |
| 29 | An education and care service, to the extent that the service is approved to provide—   1. kindergarten; or 2. long day care. |
| 30 | An education and care service approved to provide outside school hours care, to the extent that the service provides before school care and after school care. |
| 31 | 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. |
| 32 | 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. |
| 33 | 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. |
| 34 | A person or body that is engaged or funded under a State contract 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. |
| 35 | A person or body that is engaged or funded under a State contract 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. |
| 36 | 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. |
| 37 | 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. |
| 38 | A person or body that is engaged or funded under a State contract 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. |
| 39 | A person or body that is engaged or funded under a State contract 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. |
| 40 | A person or body that provides support and services to Catholic schools on behalf of the Archdiocese of Melbourne, to the extent that the person or body performs functions relating to—   1. student wellbeing support; or 2. professional ethics and conduct support; or 3. learning diversity support. |
| 41 | A person or body that provides support and services to Catholic schools on behalf of the Diocese of Sale, to the extent that the person or body performs functions relating to—   1. student wellbeing support; or 2. professional ethics and conduct support; or 3. learning diversity support. |
| 42 | A person or body that provides support and services to Catholic schools on behalf of the Diocese of Ballarat, to the extent that the person or body performs functions relating to—   1. student wellbeing support; or 2. professional ethics and conduct support; or 3. learning diversity support. |
| 43 | A person or body that provides support and services to Catholic schools on behalf of the Diocese of Sandhurst, to the extent that the person or body performs functions relating to—   1. student wellbeing support; or 2. professional ethics and conduct support; or 3. learning diversity support. |
| 44 | A registered 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 registered community-based child and family service. |
| 45 | Ambulance Service—Victoria within the meaning of the **Ambulance Services Act 1986.** |
| 46 | A registered funded agency within the meaning of the **Health Services Act 1988.** |
| 47 | A multi purpose service within the meaning of the **Health Services Act 1988.** |
| 48 | A registered agency within the meaning of the **Housing Act 1983.** |
| 49 | A registered medical practitioner who practises in the medical profession as a general practitioner in Victoria. |
| 50 | A general practice nurse who is employed by, or whose services are otherwise retained by, a general practice in Victoria. |
| 51 | 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. |
| 52 | 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. |
| 53 | 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. |
| 54 | An approved provider of a residential care service within the meaning of the Aged Care Act 1997 of the Commonwealththat 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**. |
| 55 | 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. |
| 56 | A dispute settlement centre declared under section 21K of the **Evidence (Miscellaneous Provisions) Act 1958.** |
| 57 | A registered community health centre within the meaning of the **Health Services Act 1988**.”. |

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Endnotes

1. Reg. 4: S.R. No. 119/2018. [↑](#endnote-ref-1)