



National Disability Insurance Scheme (Protection and Disclosure of Information— Commissioner) Rules 2018

made under the

National Disability Insurance Scheme Act 2013

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About this compilation

This compilation

This is a compilation of the *National Disability Insurance Scheme (Protection and Disclosure of Information—Commissioner) Rules 2018* that shows the text of the law as amended and in force on 7 April 2021 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Preamble

- (1) The National Disability Insurance Scheme (NDIS) represents a fundamental change to how supports for people with disability are funded and delivered across Australia. The NDIS was designed to produce major benefits for people with disability, their families and the broader community.
- (2) The NDIS Quality and Safeguards Commission is responsible for a range of functions under the National Quality and Safeguarding Framework aimed at protecting and preventing harm to people with disability in the NDIS market. The Commission will build the capability of NDIS participants and providers to uphold the rights of people with disability and realise the benefits of the NDIS. The rules are intended to support participants to be informed purchasers and consumers of NDIS supports and services and to live free from abuse, neglect, violence and exploitation.
- (3) People have a right to expect that their personal information is protected. The *National Disability Insurance Act 2013* and the *National Disability Insurance Scheme (Protection and Disclosure of Information—Commissioner) Rules 2018* set out the information handling requirements for the NDIS Quality and Safeguards Commission, including the use and disclosure of NDIS information. The Commissioner can only make disclosures of protected information in accordance with these rules.
- (4) The States and Territories will remain responsible for quality and safeguards arrangements for mainstream and other services to people with disability such as health, education and child protection. It is necessary for the Commissioner to work closely with other regulatory bodies in protecting and preventing harm to people with disability.
- (5) These rules provide a balance between protecting the privacy of people and enabling information to be exchanged with relevant bodies to support appropriate regulatory responses, especially where vulnerable people may be at risk of harm.

Part 1—Preliminary

1 Name

This instrument is the *National Disability Insurance Scheme (Protection and Disclosure of Information—Commissioner) Rules 2018*.

3 Authority

This instrument is made under the *National Disability Insurance Scheme Act 2013*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including:

- (a) CEO
- (b) child
- (c) Commission
- (d) Commission officer
- (e) Commissioner
- (f) entity
- (g) National Disability Insurance Scheme
- (h) National Disability Insurance Scheme rules
- (i) nominee
- (j) parent
- (k) participant
- (l) protected Commission information

In this instrument:

Act means the *National Disability Insurance Scheme Act 2013*.

affected individual, in relation to a disclosure or proposed disclosure of NDIS information, means an individual whose personal information is contained in the NDIS information.

consent means informed consent.

Note: See subsection 4(9) and section 7 of the Act for rules and principles about how people with disability are to be provided with information and supported in their dealings with the Commission.

de-identified has the same meaning as in the *Privacy Act 1988*.

NDIS information means information obtained by a person in the performance of the person's functions or duties or in the exercise of the person's powers under the Act.

Note: See paragraph 67E(1)(a) of the Act.

personal information has the same meaning as in the *Privacy Act 1988*.

5 Children and participants with a nominee

Children

- (1) Part 4 of Chapter 4 of the Act applies to a thing these Rules require or permit to be done by or in relation to a child as if that thing were required or permitted to be done by the Act.

Participants with a nominee

- (2) If a person:
 - (a) is a participant; and
 - (b) has a nominee;then subsections (3) and (4) apply in relation to the person.
- (3) Sections 79 and 80 of the Act apply to any act that may be done by the person under, or for the purposes of, these Rules as if that thing were an act that may be done under, or for the purposes of, the Act.
- (4) Sections 81 and 82 of the Act apply to any notice the Commissioner is authorised or required by these Rules to give to the person as if:
 - (a) references to the CEO in those sections were references to the Commissioner; and
 - (b) the Commissioner was authorised or required to give the notice under the Act.

Part 2—State and Territory laws that may affect a requirement by the Commissioner to give information or evidence or produce documents

6 Simplified outline of this Part

This Part is made for the purposes of section 58 of the Act. It prescribes State and Territory laws that may mean that a person is not required to give information or evidence or produce a document, despite a requirement from the Commissioner.

The Commissioner has various powers under the Act to require a person to give information or evidence, or produce a document to the Commissioner or a Commission officer.

Generally, a requirement under the Act to give information, produce a document or give evidence to the Commissioner or a Commission officer is not affected by State or Territory laws.

However, a person is not required to give the information or evidence or produce the document if:

- (a) a State or Territory law would otherwise prevent a person from giving information or evidence, or producing a document to the Commissioner or a Commission officer; and
- (b) that law is prescribed by the Rules.

7 Prescribed State and Territory laws

For the purposes of paragraph 58(2)(b) of the Act, the laws listed in Schedule 1 are prescribed in relation to any requirement to give information or evidence or produce a document to the Commissioner or a Commission officer under the Act.

Part 3—The Commissioner’s information disclosure powers

8 Simplified outline of this Part

This Part is for the purposes of section 67F of the Act. It prescribes rules and guidance in relation to the Commissioner’s disclosure powers in paragraph 67E(1)(a) and subparagraphs 67E(1)(b)(i), (iii) and (iv) of the Act. Subsection 67E(2) of the Act provides that in disclosing information for the purposes of those provisions, the Commissioner must act in accordance with rules made for the purposes of section 67F of the Act.

The Act restricts the circumstances in which protected Commission information can be recorded, disclosed or used.

However, the Commissioner may disclose information acquired by a person in the performance of the person’s functions or duties or in the exercise of the person’s powers under the Act (referred to in these rules as ‘**NDIS information**’).

Division 1 sets out rules the Commissioner must follow when disclosing NDIS information. Division 1 applies to all disclosures under section 67E, other than to a person who has the express or implied consent of the person to whom the information relates to collect it.

Division 2 sets out the matters that the Commissioner must consider in deciding whether it is in the public interest to disclose NDIS information. This Division provides a list of matters, including specific examples, that the Commissioner must consider in exercising discretion to disclose NDIS information in the public interest.

Division 3 provides that the Commissioner may disclose information to Commonwealth, State or Territory Departments and authorities, either following a request for information or of the Commissioner’s own initiative.

8A Purpose of this Part

- (1) This Part is made for the purposes of section 67F of the Act.
- (2) It provides for matters in relation to the exercise of the Commissioner’s power to disclose information for the purposes of any of the following provisions of the Act:
 - (a) paragraph 67E(1)(a);
 - (b) subparagraph 67E(1)(b)(i), (iii) or (iv).

9 Application

This Part applies in relation to a disclosure of information that contains:

- (a) protected Commission information; or
- (b) personal information.

Division 1—Rules about the Commissioner disclosing information

10 De-identification of personal information

- (1) Before disclosing NDIS information under section 67E of the Act (other than subparagraph 67E(1)(b)(ii)), the Commissioner must, so far as is reasonably practicable:
 - (a) identify any personal information included in the NDIS information; and
 - (b) consider if the purpose of the proposed disclosure would be adversely affected if the personal information was de-identified; and
 - (c) if the purpose of the proposed disclosure would not be adversely impacted—de-identify the personal information.

Exceptions

- (2) This section does not apply to the personal information of an affected individual who has consented to the proposed disclosure.
- (3) This section does not apply to a disclosure if the Commissioner is satisfied that:
 - (a) the disclosure is necessary to prevent or lessen a serious threat to an individual's life, health or safety; or
 - (b) complying with subsection (1) would result in an unreasonable delay in the disclosure; or
 - (c) complying with subsection (1) would frustrate the purpose of the disclosure.

11 Consultation

- (1) Before disclosing NDIS information under section 67E of the Act (other than under subparagraph 67E(1)(b)(ii)), the Commissioner must, so far as is reasonably practicable:
 - (a) notify any affected individual about the proposed disclosure; and
 - (b) seek the consent of the affected individual to the proposed disclosure; and
 - (c) provide a reasonable opportunity for the affected individual to comment on the proposed disclosure.

Note: The notice must comply with section 7 of the Act.

- (2) When notifying an affected individual for the purposes of paragraph (1)(a), the Commissioner may specify a date by which the individual must respond.
- (3) When deciding whether to disclose the information, the Commissioner must consider:
 - (a) any express statement by an affected individual that they do not consent to the proposed disclosure; and
 - (b) any other comment provided, or view expressed, by an affected individual about the proposed disclosure.

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- (4) Subsection (3) does not apply in relation to any response to a notice under subsection (1) received after a date specified in the notice for the purposes of subsection (2).

Exceptions

- (5) Subsection (1) does not apply in relation to an affected individual if the Commissioner is satisfied that:
- (a) the affected individual is aware that the Commissioner may be disclosing the NDIS information; and
 - (b) the affected individual has indicated that they consent to the proposed disclosure (whether expressly or by implication); and
 - (c) the affected individual has had an opportunity to express their views about the proposed disclosure.
- (6) This section does not apply in relation to an affected individual if:
- (a) the Commissioner is satisfied that giving notice to the affected individual would frustrate the purpose of the proposed disclosure; or
 - (b) the Commissioner, after making reasonable attempts, has been unable to contact the affected individual.
- (7) This section does not apply to a proposed disclosure if the Commissioner is satisfied that:
- (a) the disclosure is necessary to prevent or lessen a serious threat to an individual's life, health or safety; or
 - (b) complying with subsections (1) and (3) would result in an unreasonable delay in the disclosure; or
 - (c) complying with subsections (1) and (3) would frustrate the purpose of the disclosure.
- (8) This section does not apply to a disclosure of NDIS information under paragraph 67E(1)(a) or subparagraph 67E(1)(b)(i), (iii) or (iv) of the Act, if:
- (a) the disclosure is made to:
 - (i) a person (including the chief executive (however described) of a Department of State of a State or Territory or the head of an authority of a State or Territory); or
 - (ii) a Department of State of a State or Territory; or
 - (iii) an authority of a State or Territory;
that has responsibility for:
 - (iv) conducting an NDIS worker screening check under an NDIS worker screening law; or
 - (v) conducting an assessment (however described) or making a decision that relates to whether a person meets a requirement mentioned in Part 4 of the *National Disability Insurance Scheme (Practice Standards—Worker Screening) Rules 2018* in a participating jurisdiction; and

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- (b) the disclosure is made for the purposes of sharing information to assist the person, Department or authority to effectively conduct those checks or assessments or make those decisions.

12 Notice to recipient of NDIS information

If the Commissioner discloses NDIS information under section 67E of the Act (other than subparagraph 67E(1)(b)(ii)), the Commissioner must, at the time of the disclosure, give the person a notice which includes:

- (a) the purpose of the disclosure;
- (b) any limitations on how the person may use, make record of, or disclose the information; and
- (c) a statement that the information is only to be used in accordance with the purpose of the disclosure.

Note 1: Subparagraph 67A(1)(d)(ii) of the Act authorises a person to make a record of, disclose and otherwise use protected Commission information if the person is using the information or making the record or disclosure for the purpose for which the information was disclosed to the person under section 67E.

Note 2: The notice must comply with section 7 of the Act.

13 Record of disclosure

- (1) If the Commissioner discloses NDIS information under section 67E of the Act (other than subparagraph 67E(1)(b)(ii)), the Commissioner must ensure that a record of that disclosure is made.
- (2) A record made for the purposes of subsection (1) must include:
 - (a) a description or summary of the information disclosed; and
 - (b) the recipient of the disclosure; and
 - (c) the purpose of the disclosure; and
 - (d) if the disclosure was made following a request for the information—details of the request; and
 - (e) if there was a decision that an exception under subsections 10(3), 11(6) or 11(7) applied in relation to the disclosure—a summary of that decision.
- (3) A description or summary for the purposes of paragraph (2)(a) may take the form of a list of document or record numbers which would enable the information disclosed to be located in the Commission's record management system.
- (4) A record made for the purposes of subsection (1) must be kept:
 - (a) if the National Archives of Australia has given permission, or approved a practice or procedure in relation to the record under paragraph 24(2)(b) of the *Archives Act 1983*—in accordance with that permission or approval, as amended from time to time; or
 - (b) if no such permission or approval has been given—for 7 years.

Division 2—Disclosures by the Commissioner in the public interest

14 What the Commissioner must consider in determining the public interest

- (1) In deciding whether the Commissioner is satisfied on reasonable grounds that it is in the public interest to disclose NDIS information, the Commissioner must consider:
 - (a) where the information concerns an affected individual's life, health or safety—whether the affected individual would be likely to be in a position to seek assistance themselves or give notice of their circumstances to the proposed recipient of the information; and
 - (b) the purpose for which the information was collected, including any information provided to the affected individual at that time about how the information would or would not be used or disclosed; and
 - (c) whether the affected individual would reasonably expect the Commissioner to disclose the information:
 - (i) for the purpose for which the Commissioner is proposing to make the disclosure; and
 - (ii) to the proposed recipient to whom the Commissioner is proposing to make the disclosure; and
 - (d) whether the disclosure would be contrary to a request by a complainant under subsection 15(3) of the *National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018*; and
 - (e) whether the proposed recipient has sufficient interest in the information; and
 - (f) if the proposed recipient requested the information—whether the proposed recipient could reasonably obtain the information from a source other than the Commissioner; and
 - (g) whether section 15, 16, 17, 18 or 19 of these Rules applies to the disclosure.

Meaning of sufficient interest

- (2) For the purposes of paragraph (1)(e), a proposed recipient has sufficient interest in the information if:
 - (a) the Commissioner is satisfied that, in relation to the purpose of the disclosure, the proposed recipient has a genuine and legitimate interest in the information; or
 - (b) the proposed recipient is a Commonwealth, State or Territory Minister.

15 Enforcement of laws and related circumstances

This section applies to a proposed disclosure if the Commissioner is satisfied that:

- (a) the disclosure is necessary:

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- (i) for the enforcement of a criminal law of the Commonwealth, a State, a Territory or a foreign country, that relates to an indictable offence punishable by imprisonment of 2 years or more; or
 - (ii) for the enforcement of a law imposing a pecuniary penalty equivalent to 40 penalty units or more; or
 - (iii) to prevent an act that may have a significant adverse impact on the affected individual; or
 - (iv) to prevent an act that may have a significant adverse effect on the public revenue; or
 - (b) the disclosure relates to an offence or threatened offence:
 - (i) against an officer of the Commonwealth, a State or a Territory; or
 - (ii) against Commonwealth, State or Territory property; or
 - (iii) in premises occupied by the Commission.

16 Briefing the Minister

This section applies to a proposed disclosure if the Commissioner is satisfied that the disclosure is necessary to brief the Minister:

- (a) so that the Minister can consider complaints, incidents or issues raised by or on behalf of a person with the Minister (in writing or orally), and, if necessary, respond to that person in relation to the complaints, incident or issues; or
- (b) about an error or delay on the part of the Commission; or
- (c) about an instance of an anomalous or unusual operation of the Act, regulations made under the Act or the National Disability Insurance Scheme rules.

17 Missing or deceased persons

- (1) This section applies to a proposed disclosure of NDIS information if:
 - (a) the information relates to a person who is, or has been reported to be, missing or deceased; and
 - (b) the Commissioner is satisfied that there are no reasonable grounds to believe that the person would not want the information disclosed; and
 - (c) the Commissioner is satisfied that the disclosure is necessary:
 - (i) to locate a person (including the missing or deceased person, or a relative or beneficiary of the person); or
 - (ii) to assist a court, a coronial inquiry, a royal commission or commission of inquiry (however described), a Department or other authority of a State or Territory, or an authority responsible for administering a disability support scheme in another country, with an inquiry related to the missing or deceased person; or
 - (iii) in relation to a deceased person—to assist a person in relation to the administration of the estate of the deceased person.

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- (2) This section may apply to the a proposed disclosure of NDIS information which is about a person other than the person referred to in paragraph (1)(a).

Note: If the NDIS information contains personal information that is not relevant to the purpose of the disclosure, the Commissioner may be required to de-identify that information under section 10.

18 Assisting child welfare agencies

- (1) This section applies to a proposed disclosure if the Commissioner is satisfied that:
- (a) the disclosure is necessary to assist a child welfare agency to contact a parent, guardian or relative in relation to a child; or
 - (b) the disclosure is necessary to assist a child welfare agency to carry out its responsibilities relating to the safety, welfare or wellbeing of a child.

Meaning of child welfare agency

- (2) For the purposes of this section, a child welfare agency means:
- (a) a Commonwealth, State or Territory agency; or
 - (b) a non-government agency or institution;

that has responsibilities relating to the safety, welfare or wellbeing of children or that provides care for children (even if it also provides care for adults).

Example: A child welfare agency may include a child protection agency, a public or private school or a public or private health facility.

19 Assisting professional bodies

- (1) This section applies to a proposed disclosure if the Commissioner is satisfied that:
- (a) the Commissioner holds information about a person employed or otherwise engaged by an NDIS provider; and
 - (b) the disclosure is necessary to assist a professional body to consider whether the person's conduct meets the standards required to attain or maintain membership of the professional body.

Meaning of professional body

- (2) For the purposes of this section, a professional body means an organisation that is responsible, nationally or in one or more States or Territories, for registering members of a particular profession and monitoring their compliance with specified standards of behaviour.

Division 3—Disclosures by the Commissioner to Secretaries, Chief Executives and other heads of authorities

20 When the Commissioner may disclose information to Departments or authorities, or heads of Departments or authorities

The Commissioner may disclose NDIS information to a person, Department or authority under subparagraphs 67E(1)(b)(i), (iii) or (iv) of the Act:

- (a) following a request from the person, Department or authority; or
- (b) of the Commissioner's own initiative.

21 Purposes and responsibilities of a Department or authority

In considering:

- (a) what the purpose of a Department or authority of the Commonwealth, a State or a Territory is for the purposes of subparagraph 67E(1)(b)(i) or (iv) of the Act; or
- (b) what the responsibilities of a Department or authority of a State or Territory are for the purposes of subparagraph 67E(1)(b)(iii) of the Act;

the Commissioner may have regard to:

- (c) the legislation within the Department or authority's portfolio responsibilities, including the purposes or objects of that legislation; and
- (d) any functions, powers or responsibilities (however described) bestowed on a Commonwealth Department or authority by legislation, or by the Commonwealth Administrative Arrangements Order (as amended from time to time); and
- (e) any functions, powers or responsibilities (however described) bestowed on a State or Territory Department or authority by legislation, or by State or Territory administrative arrangements (as amended from time to time).

Schedule 1—List of State and Territory laws in relation to the Commission

	Title of Law	Provisions
1. Australian Capital Territory		
1.1	<i>Australian Crime Commission (ACT) Act 2003</i>	section 46
1.2	<i>Children and Young People Act 2008</i>	sections 846, 847
1.3	<i>Drugs of Dependence Act 1989</i>	section 201
1.4	<i>Electoral Act 1992</i>	section 63
1.5	<i>Epidemiological Studies (Confidentiality) Act 1992</i>	sections 4, 5, 6, 7, 8
1.6	<i>Human Rights Commission Act 2005</i>	section 66
1.7	<i>Inquiries Act 1991</i>	section 17
1.8	<i>Judicial Commission Act 1994</i>	section 28
1.9	<i>Legal Aid Act 1997</i>	section 92
1.10	<i>Ombudsman Act 1989</i>	section 33
1.11	<i>Royal Commissions Act 1991</i>	section 20
1.12	<i>Territory Records Act 2002</i>	section 52
1.13	<i>Witness Protection Act 1996</i>	section 23
2. New South Wales		
2.1	<i>Adoption Act 2000</i>	section 194
2.2	<i>Assisted Reproductive Technology Act 2007</i>	section 32B
2.3	<i>Children and Young Persons (Care and Protection) Act 1998</i>	section 29
2.4	<i>Crime Commission Act 2012</i>	section 80
2.5	<i>Crimes (Criminal Organisations Control) Act 2012</i>	section 28U
2.6	<i>Crimes (Forensic Procedures) Act 2000</i>	section 109
2.7	<i>Government Information (Information Commissioner) Act 2009</i>	section 35
2.8	<i>Government Information (Public Access) Act 2009</i>	section 91
2.9	<i>Health Administration Act 1982</i>	sections 20P, 23
2.10	<i>Human Tissue Act 1983</i>	section 37
2.11	<i>Independent Commission Against Corruption Act 1988</i>	sections 70, 111, 112, 114
2.12	<i>Law Enforcement Conduct Commission Act 2016</i>	sections 176-180
2.13	<i>Mental Health Act 2007</i>	section 189
2.14	<i>Ombudsman Act 1974</i>	sections 19A, 19B, 19C, 34
2.15	<i>Parliamentary Electorates and Elections Act 1912</i>	sections 48, 120AG, 135, 154AE

	Title of Law	Provisions
2.16	<i>Privacy and Personal Information Protection Act 1998</i>	section 67
2.17	<i>Private Health Facilities Act 2007</i>	section 45
2.18	<i>Public Health Act 2010</i>	section 56
2.19	<i>Public Interests Disclosure Act 1994</i>	section 22
2.20	<i>State Records Act 1998</i>	section 73
2.21	<i>Surrogacy Act 2010</i>	section 52
2.22	<i>Terrorism (Police Powers) Act 2002</i>	section 26P
2.23	<i>Witness Protection Act 1995</i>	sections 24, 32, 33
2.24	<i>Work Health and Safety Act 2011</i>	section 271
2.25	<i>Workers Compensation Regulation 2010</i>	section 51
2.26	<i>Workplace Injury Management and Workers Compensation Act 1998</i>	section 243, subsection 352(2)
3. Northern Territory		
3.1	<i>Adoption of Children Act</i>	subsection 71(1)
3.2	<i>Anti-Discrimination Act</i>	section 108
3.3	<i>Audit Act</i>	section 23
3.4	<i>Australian Crime Commission (NT) Act</i>	section 44
3.5	<i>Care and Protection of Children Act</i>	sections 27, 39, 84D, 195, 293D, 293E, subsection 301(1), section 308
3.6	<i>Child Protection (Offender Reporting and Registration) Act</i>	section 66
3.7	<i>Coroners Act</i>	section 43
3.8	<i>Correctional Services Act</i>	section 189
3.9	<i>Criminal Property Forfeiture Act</i>	section 31
3.10	<i>Criminal Records (Spent Convictions) Act</i>	subsections 12(1), 12(2)
3.11	<i>Disability Services Act</i>	section 68
3.12	<i>Domestic and Family Violence Act</i>	sections 26, 124
3.13	<i>Education Act</i>	section 158
3.14	<i>Electoral Act</i>	subsection 293(2)
3.15	<i>Evidence Act</i>	part 3
3.16	<i>Guardianship of Adults Act</i>	section 91
3.17	<i>Health and Community Services Complaints Act</i>	section 97
3.18	<i>Health Services Act</i>	section 70
3.19	<i>Independent Commissioner Against Corruption Bill 2017</i>	sections 71, 76, 106, 142, 143, 144, 150, 151

	Title of Law	Provisions
3.20	<i>Information Act</i>	section 148
3.21	<i>Inquiries Act</i>	section 14A
3.22	<i>Juries Act</i>	sections 49A, 49B
3.23	<i>Legal Aid Act</i>	section 55
3.24	<i>Mental Health and Related Services Act</i>	section 117
3.25	<i>Mineral Royalty Act</i>	subsection 50(1)
3.26	<i>Misuse of Drugs Act</i>	subsection 24(2)
3.27	<i>Northern Territory Aboriginal Sacred Sites Act</i>	subsection 38(1)
3.28	<i>Northern Territory Civil and Administrative Tribunal Act</i>	section 149
3.29	<i>Ombudsman Act</i>	part 8
3.30	<i>Personal Violence Restraining Orders Act</i>	sections 20, 24
3.31	<i>Police Administration Act</i>	sections 147B, 155
3.32	<i>Police (Special Investigative and Other Powers) Act</i>	sections 85, 94
3.33	<i>Prostitution Act</i>	section 50
3.34	<i>Public Interest Disclosure Act</i>	section 53
3.35	<i>Sexual Offences (Evidence and Procedure) Act</i>	sections 11, 11A, subsection 11B(1)
3.36	<i>Supreme Court Act</i>	section 83A
3.37	<i>Supreme Court Rule</i>	orders 33, 42
3.38	<i>Surveillance Devices Act</i>	subsections 15(1), 16(1), 52(1), 52(2)
3.39	<i>Taxation Administration Act</i>	subsection 102(1)
3.40	<i>Terrorism (Emergency Powers) Act</i>	sections 21ZO, 27Y
3.41	<i>Transplantation and Anatomy Act</i>	subsection 28(1)
3.42	<i>Witness Protection Act</i>	section 33
3.43	<i>Witness Protection (Northern Territory) Act</i>	subsections 33(1), 33(3)
3.44	<i>Work Health and Safety (National Uniform Legislation) Act</i>	section 271
3.45	<i>Youth Justice Act</i>	sections 50, 140P, 214
4. Queensland		
4.1	<i>Ambulance Service Act 2011</i>	sections 36M, 36N, 49A
4.2	<i>Australian Crime Commission (Queensland) Act 2003</i>	sections 22, 46, 62
4.3	<i>Bail Act 1980</i>	section 12
4.4	<i>Child Protection Act 1999</i>	section 186
4.5	<i>Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004</i>	sections 72, 74F, 74H

	Title of Law	Provisions
4.6	<i>Commissions of Inquiry Act 1950</i>	section 32B
4.7	<i>Coroners Act 2003</i>	sections 52, 53, 54, 56
4.8	<i>Corrective Services Act 2006</i>	section 339
4.9	<i>Crime & Corruption Act 2001</i>	sections 66, 84, 89, 130, 146J, 213, 319, 346A
4.10	<i>Criminal Code Act 1899, Schedule 1—The Criminal Code</i>	section 86
4.11	<i>Criminal Law (Historical Homosexual Convictions Expungement) Act 2017</i>	sections 26, 40
4.12	<i>Criminal Practice Rules 1999</i> (under <i>Supreme Court of Queensland Act 1991</i>)	subsection 29(6), section 31, 57, 57A, subsection 58E(3)
4.13	<i>Criminal Proceeds Confiscation Act 2002</i>	section 249C
4.14	<i>Director of Public Prosecutions Act 1984</i>	section 24A
4.15	<i>Disability Services Act 2006</i>	section 227
4.16	<i>Disaster Management Act 2003</i>	section 139
4.17	<i>Domestic and Family Violence Protection Act 2012</i>	sections 160, 161
4.18	<i>Domestic and Family Violence Protection Rules 2014</i> (made under <i>Magistrates Courts Act 1921</i>)	rule 45
4.19	<i>Drugs Misuse Act 1986</i>	sections 119, 120, 121, 122
4.20	<i>Evidence Act 1977</i>	sections 21AZB, 21AZC, 21I, 21J, 21K, 21KD, 93AA, 93A
4.21	<i>Fire and Emergency Services Act 1990</i>	section 153A
4.22	<i>Guardianship and Administration Act 2000</i>	section 249A
4.23	<i>Health Ombudsman 2013</i>	section 272
4.24	<i>Health Practitioner Regulation National Law Act 2009</i>	section 216
4.25	<i>Hospital and Health Boards Act 2011</i>	sections 84, 87, 105, 106, 118, 119, 132, 138, 142A, 197
4.26	<i>Jury Act 1995</i>	sections 30, 70
4.27	<i>Justices Act 1886</i>	section 154
4.28	<i>Justices of the Peace and Commissioners for Declarations Act 1991</i>	sections 35A, 38A
4.29	<i>Legal Aid Queensland Act 1997</i>	sections 75, 82
4.30	<i>Mental Health Act 2016</i>	sections 102, 160, 180B
4.31	<i>Penalties and Sentences Act 1992</i>	sections 13A, 13B
4.32	<i>Police Powers and Responsibilities Act 2000</i>	sections 218, 352, 353, 356, 532, 547, 682, 737, 744

	Title of Law	Provisions
4.33	<i>Police Service Administration Act 1990</i>	Part 5AA, sections 14, 10.1, 10.2A, 10.2C
4.34	<i>Powers of Attorney Act 1998</i>	section 74A
4.35	<i>Prostitution Act 1999</i>	section 133
4.36	<i>Public Guardian Act 2014</i>	sections 31, 47, 49, 70, 72, 87, 124, 140, 141
4.37	<i>Public Health Act 2005</i>	section 55, 77, 83, 84, 175, 176, 220, 228I, 238, 266, 292
4.38	<i>Public Health (Medicinal Cannabis) Act 2016</i>	sections 209, 214
4.39	<i>Public Interest Disclosure Act 2010</i>	section 65
4.40	<i>Private Health Facilities Act 1999</i>	section 147
4.41	<i>Surrogacy Act 2010</i>	section 52
4.42	<i>Terrorism (Preventative Detention) Act 2005</i>	sections 64, 65, 66, 67, 68
4.43	<i>Uniform Civil Procedure Rules 1999 (under Supreme Court of Queensland Act 1991)</i>	rules 595F(3), 981
4.44	<i>Weapons Act 1990</i>	section 151B, 151C
4.45	<i>Witness Protection Act 2000</i>	sections 36, 37
4.46	<i>Working with Children (Risk Management and Screening) Act 2000</i>	sections 345, 357R, 384
4.47	<i>Youth Justice Act 1992</i>	section 300
5. South Australia		
5.1	<i>Children's Protection Act 1993</i>	
5.2	<i>Food Act 2001</i>	section 111
5.3	<i>Gene Technology Act 2001</i>	section 187
5.4	<i>Health and Community Services Complaints Act 2004</i>	
5.5	<i>Health Care Act 2008</i>	sections 66, 73
5.6	<i>Independent Commissioner Against Corruption Act 2012</i>	section 54
5.7	<i>Intervention Orders (Prevention of Abuse) Act 2009</i>	
5.8	<i>Mental Health Act 2009</i>	
5.9	<i>Ombudsman Act 1972</i>	
5.10	<i>Police Complaints and Discipline Act</i>	
5.11	<i>Retirement Villages Act 1987</i>	section 8
5.12	<i>Safe Drinking Water Act 2011</i>	section 45
5.13	<i>South Australian Public Health Act 2011</i>	
5.14	<i>Tobacco Products Regulation Act 1997</i>	section 78
5.15	<i>Witness Protection Act 1996</i>	

	Title of Law	Provisions
5.16	<i>Youth Justice Administrative Act 2016</i>	
6. Tasmania		
6.1	<i>Adoption Act 1988</i>	section 75
6.2	<i>Ambulance Service Act 1982</i>	section 36A
6.3	<i>Annulled Convictions Act 2003</i>	section 11
6.4	<i>Archives Act 1983</i>	section 16
6.5	<i>Audit Act 2008</i>	section 30A
6.6	<i>Children, Young Persons and Their Families Act 1997</i>	sections 16, 40, 111A
6.7	<i>Commission of Inquiry Act 1995</i>	sections 10, 14
6.8	<i>Community Protection (Offender Reporting) Act 2005</i>	section 45
6.9	<i>Coroners Act 1995</i>	sections 53A, 57
6.10	<i>Corrections Act 1997</i>	section 8
6.11	<i>Evidence Act 2001</i>	sections 194J, 194K, 194L
6.12	<i>Family Violence Act 2004</i>	section 32
6.13	<i>Guardianship and Administration Act 1995</i>	section 86
6.14	<i>Health Act 1997</i>	section 4
6.15	<i>Health Complaints Act 1995</i>	section 37, 65
6.16	<i>Health Practitioners Tribunal Act 2010</i>	section 54
6.17	<i>Integrity Commission Act 2009</i>	section 94
6.18	<i>Judicial Review Act 2000</i>	section 30
6.19	<i>Justices Act 1959</i>	section 106K
6.20	<i>Magistrates Court (Children's Division) Act 1998</i>	section 12
6.21	<i>Mental Health Act 2013</i>	section 134
6.22	<i>Obstetric and Paediatric Mortality and Morbidity Act 1994</i>	section 15
6.23	<i>Ombudsman Act 1978</i>	section 26
6.24	<i>Police Powers (Assumed Identities) Act 2006</i>	section 32
6.25	<i>Police Powers (Controlled Operations) Act 2006</i>	section 26
6.26	<i>Police Powers (Surveillance Devices) Act 2006</i>	section 33
6.27	<i>Public Health Act 1997</i>	section 147
6.28	<i>Public Interest Disclosures Act 2002</i>	section 23
6.29	<i>Registration to Work with Vulnerable People Act 2013</i>	section 54
6.30	<i>Relationships Act 2003</i>	section 22
6.31	<i>Surrogacy Act 2012</i>	section 46

	Title of Law	Provisions
6.32	<i>Witness Protection Act 2000</i>	section 13
6.33	<i>Work Health and Safety Act 2012</i>	section 148
6.34	<i>Youth Justice Act 1997</i>	sections 22, 31, 45
7. Victoria		
7.1	<i>Adoption Act 1986</i>	sections 83, subsection 103(4), sections 120, 121
7.2	<i>Ambulance Services Act 1986</i>	section 38B
7.3	<i>Assisted Reproductive Treatment Act 2008</i>	section 66A, 66B, 66C, 72
7.4	<i>Audit Act 1994</i>	sections 12, 20A
7.5	<i>Australian Crime Commission (State Provisions) Act 2003</i>	section 44
7.6	<i>Business Licensing Authority Act 1998</i>	section 18
7.7	<i>Child Employment Act 2003</i>	section 46
7.8	<i>Children, Youth and Families Act 2005</i>	subsection 36(5), section 41, paragraph 42(e), sections 124, 129-131, 180, 191, paragraph 205(2)(b), subsections 206(2), 207(2), section 209, paragraph 210(2)(b), subsection 211(2), section 213, subsection 226(3), sections 492A, 552, 534, 552
7.9	<i>Child Wellbeing and Safety Act 2005</i>	section 16ZE
7.10	<i>Corrections Act 1986</i>	section 104ZY
7.11	<i>Crimes (Mental Impairment and Unfitness to be Tried) Act 1997</i>	section 62
7.12	<i>Criminal Organisations Control Act 2012</i>	sections 84, 85
7.13	<i>Emergency Management Act 2013</i>	section 72, subsection 73(2)
7.14	<i>Equal Opportunity Act 2010</i>	section 176
7.15	<i>Family Violence Protection Act 1982</i>	section 73H, subsection 207(3)
7.16	<i>Freedom of Information Act 1982</i>	section 63D
7.17	<i>Health Complaints Act 2016</i>	sections 150, 151, 152
7.18	<i>Health Records Act 2001</i>	section 90
7.19	<i>Health Services Act 1988</i>	section 63D
7.20	<i>Housing Act 1983</i>	section 128
7.21	<i>Independent Broad-based Anti-corruption Commission Act 2011</i>	Divisions 2 and 3 of Part 2, sections 50, 166, 177

	Title of Law	Provisions
7.22	<i>Major Crime (Investigative Powers) Act 2004</i>	sections 20, 68
7.23	<i>Mental Health Act 2014</i>	sections 128, 140, 141, 175, 225, 249, 265
7.24	<i>Ombudsman Act 1973</i>	sections 16L, 20; Part VA
7.25	<i>Privacy and Data Protection Act 2014</i>	sections 63, 68
7.26	<i>Protected Disclosure Act 2012</i>	sections 52, 53
7.27	<i>Public Health and Wellbeing Act 2008</i>	sections 42, 43, 43B
7.28	<i>Relationships Act 2008</i>	section 20A
7.29	<i>Severe Substance Dependence Treatment Act 2010</i>	subsections 19(4), 19(5)
7.30	<i>Serious Sex Offenders (Detention and Supervision) Act 2009</i>	sections 189–192
7.31	<i>Sex Work Act 1994</i>	sections 24, 87
7.32	<i>Terrorism (Community Protection) Act 2003</i>	sections 12, 23
7.33	<i>Victoria Police Act 2013</i>	sections 184, 185, 225–230
7.34	<i>Victorian Civil and Administrative Tribunal Act 1998</i>	section 34, 35, 36
7.35	<i>Victorian Inspectorate Act 2011</i>	Divisions 2 and 3 of Part 2
7.36	<i>Witness Protection Act 1991</i>	section 10
7.37	<i>Working with Children Act 2005</i>	paragraph 40(2)(g)
7.38	<i>Workplace Injury Rehabilitation and Compensation Act 2013</i>	sections 268, 270
8. Western Australia		
8.1	<i>Adoption Act 1994</i>	sections 124, 127
8.2	<i>Auditor General Act 2006</i>	section 46
8.3	<i>Betting Control Act 1954</i>	section 27E
8.4	<i>Child Care Services Act 2007</i>	section 50
8.5	<i>Children and Community Services Act 2004</i>	sections 124F, 137, 141, subsection 238(5), sections 240, 241
8.6	<i>Children's Court of Western Australia Act 1988</i>	sections 36, 51A
8.7	<i>Combat Sports Act 1987</i>	section 54B
8.8	<i>Community Protection (Offender Reporting) Act 2004</i>	section 82
8.9	<i>Corruption and Crime Commission Act 2003</i>	subsection 76(2), sections 90, 114, 115, 134, 151, 152, 153, 154, 167, 207, 208, 209
8.10	<i>Criminal Investigation Act 2006</i>	section 113
8.11	<i>Criminal Investigation (Covert Powers) Act 2012</i>	section 35

	Title of Law	Provisions
8.12	<i>Criminal Investigation (Identifying People) Act 2002</i>	section 73
8.13	<i>Declared Places (Mentally Impaired Accused) Act 2015</i>	section 59
8.14	<i>Disability Services Act 1993</i>	section 50, 52
8.15	<i>Education and Care Services National Law (WA) Act 2012</i>	Schedule section 273
8.16	<i>Equal Opportunity Act 1984</i>	section 167
8.17	<i>Fair Trading Act 2010</i>	sections 112, 132A
8.18	<i>Family Court Act 1997</i>	sections 49, 53, 148, 202K
8.19	<i>Freedom of Information Act 1992</i>	section 82
8.20	<i>Gaming and Wagering Commission Act 1987</i>	section 20A
8.21	<i>Guardianship and Administration Act 1990</i>	section 113
8.22	<i>Health (Miscellaneous Provisions) Act 1911</i>	sections 336, 336A, 336B, 340LA, 340LB, 340L, 340M, 340ALA, 340ALB, 340AL, 340AM, 340BLA, 340BLB, 340BL and 340BM
8.23	<i>Health and Disability Services (Complaints) Act 1995</i>	section 71
8.24	<i>Health Practitioner Regulation National Law (WA) Act 2010</i>	section 216
8.25	<i>Health Services Act 2016</i>	section 219
8.26	<i>Health Services (Quality Improvement) Act 1994</i>	sections 8, 9, 10
8.27	<i>Human Reproductive Technology Act 1991</i>	sections 49, 53ZK
8.28	<i>Industrial Relations Act 1979</i>	section 97XV
8.29	<i>Liquor Control Act 1998</i>	section 30
8.30	<i>Local Government Act 1995</i>	section 5.123
8.31	<i>Mandatory Testing (Infectious Diseases) Act 2014</i>	section 29
8.32	<i>Medicines and Poisons Act 2014</i>	section 134
8.33	<i>Mental Health Act 2014</i>	sections 342, 576
8.34	<i>Misuse of Drugs Act 1981</i>	section 27B
8.35	<i>Parliamentary Commissioner Act 1971</i>	sections 23, 23A
8.36	<i>Prostitution Act 2000</i>	section 58
8.37	<i>Public Health Act 2016</i>	section 302
8.38	<i>Public Interest Disclosure Act 2003</i>	section 16
8.39	<i>Restraining Orders Act 1997</i>	section 70
8.40	<i>Royal Commission (Custody of Records) Act 1992</i>	section 14
8.41	<i>Royal Commission (Police) Act 2002</i>	sections 12, 13

	Title of Law	Provisions
8.42	<i>School Education Act 1999</i>	section 242
8.43	<i>Sentence Administration Act 2003</i>	section 119
8.44	<i>State Administrative Tribunal Act 2004</i>	sections 157, 158
8.45	<i>State Records Act 2000</i>	section 49, 77
8.46	<i>Supreme Court Act 1935</i>	section 72
8.47	<i>Surrogacy Act 2008</i>	sections 36, 37, 38
8.48	<i>Teacher Registration Act 2012</i>	section 117
8.49	<i>Telecommunications (Interception and Access) Western Australia Act 1996</i>	section 22
8.50	<i>Terrorism (Preventative Detention) Act 2006</i>	section 46
8.51	<i>Witness Protection (Western Australia) Act 1996</i>	sections 27, 28, 32
8.52	<i>Workers Compensation and Injury Management Act 1981</i>	section 57D, subsection 171(3), subsection 5(2) of Schedule 7
8.53	<i>Working with Children (Criminal Record Checking) Act 2004</i>	section 39
8.54	<i>Young Offenders Act 1994</i>	section 17

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
National Disability Insurance Scheme (Protection and Disclosure of Information—Commissioner) Rules	18 May 2018 (F2018L00635)	1 July 2018 (s 2)	
National Disability Insurance Scheme (Protection and Disclosure of Information—Commissioner) Amendment Rules 2021	6 Apr 2021 (F2021L00417)	7 Apr 2021 (s 2(1) item 1)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
s 1	rs F2021L00417
s 2	rep LA s 48D
s 8A	ad F2021L00417
s 11	am F2021L00417