



ANNO VICESIMO OCTAVO

ELIZABETHAE SECUNDAE REGINAE

No. 75 of 1979

**An Act to amend the Children's Services Act 1965–1978 in
certain particulars**

[ASSENTED TO 21ST DECEMBER, 1979]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title and citation. (1) This Act may be cited as the *Children's Services Act Amendment Act 1979*.

(2) In this Act the *Children's Services Act 1965–1978* is referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Children's Services Act 1965–1979*.

2. Repeal of and new s. 86. The Principal Act is amended by repealing section 86 and substituting the following section:—

“**86. Control of day care centres.** (1) Regulations made under section 152 in relation to premises used or to be used for the care of children apart from their parents, relatives or guardians on a day-care basis—

(a) may classify such premises for the purposes of the regulations in such manner as the Governor in Council thinks fit;

- (b) may provide differently in respect of premises of different classifications;
- (c) may provide for control of premises of all or any of the classifications by way of a system of licensing and, in relation thereto, may assign the administration of a system to Local Authorities or to any person or body of persons, as the Governor in Council thinks fit;
- (d) may provide for the control and supervision of premises of all or any of the classifications to be vested in Local Authorities, or any person or body of persons, as the Governor in Council thinks fit;
- (e) may provide for the fixing by Local Authorities, or any person or body of persons of fees payable in connexion with a system of licensing or other control and supervision of premises of all or any of the classifications.

(2) Save to the extent that any function in connexion with premises of any classification referred to in subsection (1) is assigned to any other person or body of persons by regulations referred to in subsection (1) the regulations relating to such premises shall be administered by the Local Authority in whose Area the premises are situated as a function of local government.

(3) A Local Authority, in respect of premises referred to in subsection (1) and situated in its Area, may do all things that are required or permitted by the regulations to be done or that are necessary or desirable to be done with a view to the proper administration of the regulations.”.

3. Amendment of s. 103. Section 103 of the Principal Act is amended by—

- (a) numbering the existing provisions as subsection (1);
- (b) inserting after subsection (1), the following subsections:—

“(2) It is expressly permitted, having regard to section 7B (3) of the *Legislative Assembly Act 1867-1978*, that a member of the Legislative Assembly may perform the service of foster parent, shall perform the duties incidental thereto as prescribed, and shall be entitled to such sums as are prescribed by this Act to be payable to a foster parent.”.

4. Amendment of s. 144. Section 144 of the Principal Act is amended by—

- (a) in subsection (1), omitting the second paragraph;
- (b) inserting after subsection (1), the following subsections:—

“(1A). A person engaged in work for the purposes of this Act is authorized to communicate information, which has come to his knowledge in his official capacity under this Act and that in his opinion is or is likely to be material to detecting, preventing or dealing with cases of child abuse or neglect, to all or any of them, the Director General of Health and Medical Services, any officer of the Department of Health acting in aid of the Director General in connexion with child abuse or neglect and such legally qualified medical practitioner, member of the Police Force, person approved by the Director, or person acting with the approval of the Director General in connexion with child abuse or neglect as appears to the person in this subsection first-mentioned to have a legitimate interest in possessing that information.

A person, purporting in good faith to act under the preceding paragraph, who discloses information referred to therein to any person or persons referred to therein shall incur no liability at law by reason of such disclosure.

(1B) Save as is prescribed by subsection (1A), a person engaged in work for the purposes of this Act shall preserve and aid in preserving secrecy with respect to all matters that come to his knowledge in his official capacity under this Act and shall not communicate any such matter to any person except—

- (a) for the purpose of carrying this Act into effect; or
- (b) to a lawfully constituted court or tribunal.”;

(c) in subsection (3), omitting the words “A person” and substituting the words “Save where he is purporting in good faith to act under authority conferred by subsection (1A), a person”.