

Child Protection (Information Sharing) Amendment Regulation 2018

Explanatory notes for SL 2018 No. 161

made under the

Child Protection Act 1999

General Outline

Short title

Child Protection (Information Sharing) Amendment Regulation 2018.

Authorising law

Sections 159M and 249 of the *Child Protection Act 1999*.

Policy objectives and the reasons for them

The objective of the *Child Protection (Information Sharing) Amendment Regulation 2018* (the Amendment Regulation) is to facilitate the effective participation of the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) in the modernised information sharing regime under the *Child Protection Act 1999* (the Act).

DATSIP currently shares family background information about relevant children with the Department of Child Safety, Youth and Women (DCSYW) to support DCSYW to make decisions about kinship placements for children in need of protection. DATSIP also provides a service that supports people of Aboriginal or Torres Strait Islander descent in researching their family and cultural history.

The Amendment Regulation will support DATSIP to continue to provide this information to DCSYW by prescribing DATSIP as another entity included in the definition of prescribed entity under section 159M(g) of the Act.

Achievement of policy objectives

Section 159MC of the new information sharing framework allows for prescribed entities to give information to the chief executive or an authorised officer where the holder reasonably believes the information will help the receiver undertake case planning for a child or assess and

respond to the care needs of a child in need of protection, or a child who may become in need of protection.

Section 159M(g) of the Act provides that a prescribed entity may include the chief executive of another entity that provides a service to children or families and is prescribed by regulation.

Prescribing DATSIP by regulation as another entity that provides a service to children or families will enable DATSIP to share information with DCSYW that will help DCSYW assess and respond to the care needs of a child in need of protection.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objectives of the Act.

Inconsistency with policy objectives of other legislation

There is no inconsistency with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

The Amendment Regulation is necessary to facilitate DATSIP's effective participation in the information sharing scheme under the Act.

Benefits and costs of implementation

There are no costs associated with the implementation of this Amendment Regulation.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

Consultation was undertaken with DATSIP in relation to the Amendment Regulation.

Results of consultation

Consultation outside of Government on the proclamation has not been undertaken. In accordance with the *Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation was not consulted in relation to the Amendment Regulation. The Department of Child Safety, Youth and Women applied a self-assessed exclusion from further regulatory impact analysis on the basis that the Amendment Regulation is of a machinery nature – category (g).