

South Australia

Child Development Bill 2013

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A BILL FOR

An Act to establish a legislative framework to ensure that the development of children and young people is considered from a whole of government perspective; to enhance the care and protection of children and young people; to recognise the importance of children and young people to the State; to establish a Commissioner for Children and Young People; to establish the Child Development Council; to make a related amendment to the *Children's Protection Act 1993*; and for other purposes.

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Part 1—Preliminary

- 1 Amendment provisions

Part 2—Amendment of *Children's Protection Act 1993*

- 2 Repeal of Part 7B

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Child Development Act 2013*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Interpretation

In this Act—

Child Development Council* or *Council means the Child Development Council established by section 20;

Commissioner for Children and Young People or *Commissioner* means the person for the time being holding or acting in the office of Commissioner for Children and Young People under Part 4;

area child development action plan, in relation to a particular area, means an area child development action plan prepared under section 35 by the area child development alliance for the area;

area child development alliance, in relation to a particular area, means an area child development alliance established in respect of the area under Part 6;

local council means a council constituted under the *Local Government Act 1999*;

Outcomes Framework for Children and Young People or *Outcomes Framework* means the Outcomes Framework for Children and Young People prepared in accordance with section 30;

responsible Minister in relation to a State authority means—

- (a) if the authority is a person who holds an office established by an Act or a body established by or under an Act—the Minister responsible for the administration of that Act; or
- (b) if the authority is an administrative unit—the Minister responsible for that administrative unit; or
- (c) in any other case—the Minister declared by the regulations to be the responsible Minister for the authority or, in the absence of such a declaration, the Minister responsible for the administration of this Act;

State authority means—

- (a) a person who holds an office established by an Act; or
- (b) an administrative unit; or
- (c) a local council; or
- (d) any incorporated or unincorporated body—
 - (i) established for a public purpose by an Act; or
 - (ii) established for a public purpose under an Act (other than an Act providing for the incorporation of companies or associations, co-operatives, societies or other voluntary organisations); or
 - (iii) established or subject to control or direction by the Governor, a Minister of the Crown or any instrumentality or agency of the Crown or a local council (whether or not established by or under an Act or an enactment); or
- (e) a person or body declared by the regulations to be an authority to which this Act applies,

but does not include a body or entity excluded from the ambit of this definition by the regulations.

4—Interaction with other Acts

This Act is in addition to, and does not derogate from, any other Act or law.

Part 2—Objects, principles and statutory duty

5—Objects

The objects of this Act include—

- (a) establishing a legislative framework to ensure that the development of children and young people is considered in relation to government policies in any area that affects them;
- (b) imposing a duty on State authorities to cooperate in developing policies in areas that affect the development of children and young people;
- (c) establishing an integrated approach in relation to—
 - (i) the care and protection of children and young people; and
 - (ii) the health and well-being of children and young people; and
 - (iii) the social, economic, and environmental influences affecting the development of children and young people; and
 - (iv) other areas that influence the development of children and young people;
- (d) developing planning and coordination structures for the development of children and young people that are multi-disciplinary, cross-sector and regionally focussed;
- (e) embedding key principles relating to the development of children and young people in legislation that will inform the work of government and non-government organisations;
- (f) strengthening information sharing practices across government and non-government organisations to enhance the quality of care and service delivery while balancing the need to protect privacy;
- (g) building the capacity of the community to provide supportive environments for children, young people and their families.

6—Principles

The following principles must be taken into account in the administration and operation of this Act:

- (a) every child and young person has abilities and potential;
- (b) it is the responsibility of the whole community to ensure every child and young person is supported to play, learn, and develop to be the best that they can at every stage of life and be responsible citizens in our society;
- (c) children and young people are valued citizens;
- (d) parents and carers have the primary role in the development of the children and young people in their care, and governments and others who provide services to children and young people should work in partnership with them;
- (e) the first 5 years of a child's development are of particular importance;

- (f) the ongoing development of children and young people at all stages must be supported in order to achieve the best outcomes;
- (g) the interests of children and young people are paramount and consideration should always be given to their well-being;
- 5 (h) children, young people and their parents and families, including Aboriginal and Torres Strait Islander families, children and young people with additional needs, vulnerable children and young people, new arrival families, grandparents and carers with primary care for children and young people, are diverse and often have differing needs;
- 10 (i) the role of non-government organisations, services and programs within the community can influence and promote better outcomes for the development of children and young people;
- (j) children, young people and their families are best able to shape their own lives and are not simply passive recipients of services;
- 15 (k) where it is appropriate, children, young people and their families should be consulted and provided with opportunities to be involved in decision-making processes that affect their lives;
- (l) South Australia's Aboriginal peoples are the oldest continuing cultures in human history and the cultural and linguistic heritage of Aboriginal children and young people should be honoured and celebrated.
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7—Statutory duty in respect of children and young people

- (1) Every State authority, in carrying out its functions or exercising its powers—
 - (a) must, as far as is reasonably practicable, further the objects of this Act; and
 - (b) must have regard to the principles set out in section 6; and
 - 25 (c) must have regard, and seek to give effect, to the Outcomes Framework for Children and Young People; and
 - (d) must have regard to any relevant area child development action plans that may be affected by its actions; and
 - (e) must consider the impact that any decisions will have on children and young people; and
 - 30 (f) must take reasonable steps to harmonise their administrative arrangements and practices with the objects, principles and duties imposed by this Act.
- (2) A State authority will be taken not to be in breach of subsection (1) if the State authority is acting—
 - 35 (a) in accordance with a requirement under this or any other Act; or
 - (b) in a manner consistent with a relevant area child development action plan; or
 - (c) in circumstances prescribed by the regulations.
- (3) A failure by a State authority to comply with this section does not, of itself, give rise to any civil liability against the Crown, the State authority or any other person.

Part 3—Administration

8—Functions of Minister

The functions of the Minister under this Act are—

- (a) to work with the Commissioner for Children and Young People, the Child Development Council and other bodies to foster and support the development of children and young people;
- (b) to promote public awareness on the availability and quality of services related to the development of children and young people;
- (c) to coordinate services related to the development of children and young people;
- (d) such other functions as may be assigned to the Minister by or under this or any other Act.

9—Power of delegation

- (1) The Minister may delegate a function or power under this Act (other than a prescribed function or power) to a specified body or person (including a person for the time being holding or acting in a specified office or position).
- (2) A delegation under this section—
 - (a) must be by instrument in writing; and
 - (b) may be absolute or conditional; and
 - (c) does not derogate from the ability of the Minister to act in any matter; and
 - (d) is revocable at will.
- (3) A function or power delegated under this section may, if the instrument of delegation so provides, be further delegated.
- (4) A person to whom a function has been delegated under subsection (1) who has a direct or indirect personal or pecuniary interest in any matter in relation to which the person proposes to perform the functions must disclose the nature of the interest in writing to the Minister.
Maximum penalty: \$20 000.
- (5) It is a defence to a charge of an offence against subsection (4) for the defendant to prove that he or she was not, at the time of the alleged offence, aware of his or her interest in the matter.

Part 4—Commissioner for Children and Young People

10—Appointment of Commissioner for Children and Young People

There will be a Commissioner for Children and Young People.

11—Independence of Commissioner

- (1) Subject to this section, the Commissioner is independent of direction or control by the Crown or any Minister or officer of the Crown.

(2) The Minister may, after consultation with the Commissioner, give directions and furnish guidelines to the Commissioner in relation to the carrying out of his or her functions (but the Minister cannot give any direction with respect to any advice or recommendation that the Commissioner might give or make or with respect to the contents of any report).

(3) Directions or guidelines under this section—

- (a) must, as soon as practicable after they have been given, be published in the Gazette; and
- (b) must, within 6 sitting days after they have been given, be laid before each House of Parliament; and
- (c) must be included in the annual report of the Commissioner.

12—Terms and conditions of appointment

(1) The Commissioner will be appointed by the Governor for a term not exceeding 5 years and on conditions determined by the Governor and, at the end of a term of appointment, will be eligible for reappointment.

(2) The appointment of the Commissioner may be terminated by the Governor on the ground that the Commissioner—

- (a) has been guilty of misconduct; or
- (b) has been convicted of an offence punishable by imprisonment; or
- (c) has become bankrupt or has applied to take the benefit of a law for the relief of insolvent debtors; or
- (d) has been disqualified from managing corporations under Chapter 2D Part 2D.6 of the *Corporations Act 2001* of the Commonwealth; or
- (e) has, because of mental or physical incapacity, failed to carry out duties of the position satisfactorily; or
- (f) is incompetent or has neglected the duties of the position.

(3) The Commissioner must inform the Minister in writing of—

- (a) any direct or indirect pecuniary interest that the Commissioner has or acquires in any business, or in any body corporate carrying on a business, in Australia or elsewhere; and
- (b) any other direct or indirect interest that the Commissioner has or acquires that conflicts, or may conflict, with his or her duties under this Act.

(4) The Commissioner must not, without the consent of the Minister, engage in any other remunerated employment.

13—Appointment of acting Commissioner

(1) The Minister may appoint a person (who may be a Public Service employee) to act as the Commissioner during any period for which—

- (a) no person is for the time being appointed as the Commissioner; or
- (b) the Commissioner is absent from, or unable to discharge, official duties.

- (2) The terms and conditions of appointment of the person appointed to act as the Commissioner will be determined by the Minister.

14—Function of Commissioner

- (1) The function of the Commissioner is to further the objects of this Act and, in particular, to—
- (a) cooperate with, and coordinate, State authorities in respect of the development of children and young people; and
 - (b) promote and advocate for the rights of all South Australian children and young people; and
 - (c) inquire into, and keep under review, the policies of State authorities as they relate to the development of children and young people; and
 - (d) prepare and publish reports on the appropriateness and effectiveness of the laws of the State as they relate to the development of children and young people; and
 - (e) inquire into and report on issues affecting the development of children and young people that—
 - (i) are the subject of a complaint made to the Commissioner; or
 - (ii) are referred to the Commissioner by the Minister; and
 - (f) advise Ministers, State authorities and other bodies on matters related to the development of children and young people; and
 - (g) assist in ensuring that the State, and the Commonwealth, satisfies its international obligations in respect of children and young people; and
 - (h) undertake such other functions as may be conferred on the Commissioner by or under this or any other Act or by the Minister.
- (2) Without limiting any other provision of this Act, the Commissioner should, where appropriate, seek to engage children and young people and their families in the performance of his or her functions under this Act.

15—Delegation

- (1) Subject to this section, the Commissioner may delegate a function or power under this Act (other than a prescribed function or power) to any person or body of persons that is, in the Commissioner's opinion, competent to perform or exercise the relevant function or power.
- A delegation under this section—
- (a) must be in writing; and
 - (b) may be conditional or unconditional; and
 - (c) is revocable at will; and
 - (d) does not prevent the delegator from acting in any matter.
- (3) A function or power delegated under this section may, if the instrument of delegation so provides, be further delegated.

16—Honesty and accountability

The Commissioner and any other person appointed to act as the Commissioner are senior officials for the purposes of the *Public Sector (Honesty and Accountability) Act 1995*.

17—Commissioner may require information

- (1) The Commissioner may, by notice in writing, require a State authority to give the Commissioner information in its possession that the Commissioner requires for the performance of his or her functions under this Act.
- (2) A State authority must give the specified information to the Commissioner within the period specified in the notice.
- (3) If a State authority refuses or fails to comply with a notice under subsection (1), the Commissioner may, after consultation with the State authority—
 - (a) report the refusal or failure to the responsible Minister and to the Premier; and
 - (b) include details of the refusal or failure in the annual report of the Commissioner.

18—Commissioner's reports

- (1) The Commissioner may, after inquiring into and considering a matter, prepare and present a report on the matter to the Minister.
- (2) On a report being presented to the Minister under this section, he or she may remit the matter or any of the matters to which the report relates to the Commissioner for his or her further consideration and report and, in that event, the Commissioner must consider the matter and report on it accordingly.
- (3) The Minister must, on being presented with a report under this section that contains recommendations that specified action be taken, respond in writing to the Commissioner in respect of the report and include in the response—
 - (a) which (if any) recommendations of the Commissioner will be carried out and the manner in which they will be carried out; and
 - (b) which (if any) recommendations of the Commissioner will not be carried out and the reasons for not carrying them out.
- (4) A response under subsection (3) must be given to the Commissioner within 3 months after receiving the relevant report (or such longer time as may be agreed between the Minister and the Commissioner).

19—Use of staff etc of Public Service

The Commissioner may, by agreement with the Minister responsible for an administrative unit of the Public Service, make use of the services of the staff, equipment or facilities of that administrative unit.

Part 5—Child Development Council

20—Establishment of Child Development Council

- (1) The *Child Development Council* is established.

(2) The Council—

- (a) is a body corporate; and
- (b) has perpetual succession and a common seal; and
- (c) can sue and be sued in its corporate name; and
- (d) has the functions and powers assigned or conferred by or under this or any other Act.

(3) If a document appears to bear the common seal of the Council, it will be presumed, in the absence of proof to the contrary, that the common seal of the Council was duly fixed to the document.

(4) The Council is subject to the general direction and control of the Minister, but the Minister cannot give any direction with respect to any advice or recommendation that the Council might give or make or with respect to the contents of any report).

(5) If the Minister gives a direction under this section—

- (a) the Minister must prepare a report on the matter and cause a copy of the report to be laid before each House of Parliament; and
- (b) the Council must cause details of the direction to be published in its next annual report.

21—Composition of Council

(1) The Council consists of up to 12 members appointed by the Governor on the nomination of the Minister, being persons who collectively have, in the opinion of the Minister, the knowledge, skills and experience necessary to enable the Council to carry out its functions effectively.

(2) The Minister must, before nominating a person for appointment to the Council, call for expressions of interest under a scheme determined by the Minister for the purposes of this section.

(3) The Minister must, in relation to the scheme referred to in subsection (2)—

- (a) cause details of the scheme to be published in the Gazette; and
- (b) ensure that details of the scheme are published on a website determined by the Minister.

(4) The Minister may, before nominating a person for appointment to the Council, call for nominations from any non-government organisation that should, in the Minister's opinion, be represented on the Council.

(5) In nominating the members of the Council, the Minister should, as far as is reasonably practicable, endeavour to achieve a gender balance on the Council.

(6) The Governor may, on the nomination of the Minister, appoint a person to be the deputy of a member of the Council.

(7) The requirements of qualification and nomination (if applicable) made by this section in relation to the appointment of a member extend to the appointment of a deputy of that member.

(8) A deputy may act as a member of the Council during any period of absence of the member in relation to whom the deputy has been appointed.

22—Presiding member and deputy presiding member

The Minister must appoint 1 of the members of the Council to be the presiding member of the Council and 1 to be the deputy presiding member.

23—Conditions of membership

- (1) Subject to this section, a member of the Council will hold office on conditions determined by the Governor for a term, not exceeding 3 years, specified in the instrument of appointment and is, at the expiration of a term of office, eligible for reappointment.
- (2) A member of the Council cannot hold office for consecutive terms that exceed 9 years in total.
- (3) The Governor may remove a member of the Council from office—
 - (a) for breach of, or non-compliance with, a condition of appointment; or
 - (b) for mental or physical incapacity to carry out duties of office satisfactorily; or
 - (c) for neglect of duty; or
 - (d) for dishonourable conduct.
- (4) The office of a member of the Council becomes vacant if the member—
 - (a) dies; or
 - (b) completes a term of office and is not reappointed; or
 - (c) resigns by written notice addressed to the Minister; or
 - (d) is found guilty of a prescribed offence; or
 - (e) is removed from office by the Governor under subsection (3).

24—Allowances and expenses

A member of the Council is entitled to fees, allowances and expenses approved by the Governor.

25—Validity of acts

An act or proceeding of the Council is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

26—Power of delegation

The Council may delegate a function or power under this Act (other than a prescribed function or power)—

- (a) to a member of the Council; or
 - (b) to a committee established by the Council; or
 - (c) to a specified body or person (including a person for the time being holding or acting in a specified office or position).
- (2) A delegation under this section—
 - (a) must be by instrument in writing; and
 - (b) may be absolute or conditional; and

- (c) does not derogate from the ability of the Council to act in any matter; and
- (d) is revocable at will.
- (3) A function or power delegated under this section may, if the instrument of delegation so provides, be further delegated.
- (4) A person to whom a function has been delegated under subsection (1) who has a direct or indirect personal or pecuniary interest in any matter in relation to which the person proposes to perform the functions must disclose the nature of the interest in writing to the Council.
Maximum penalty: \$20 000.
- (5) It is a defence to a charge of an offence against subsection (4) to prove that the defendant was not, at the time of the alleged offence, aware of his or her interest in the matter.

27—Committees

- (1) The Council may establish committees—
 - (a) to advise the Council; or
 - (b) to carry out functions on behalf of the Council.
- (2) The membership of a committee will be determined by the Council and may, but need not, consist of, or include, members of the Council.
- (3) The Council will determine who will be the presiding member of a committee.
- (4) The procedures to be observed in relation to the conduct of the business of a committee will be—
 - (a) as determined by the Council; and
 - (b) insofar as a procedure is not determined under paragraph (a)—as determined by the committee.

28—Council's procedures

- (1) Subject to this Act, a quorum of the Council consists of one half the total number of its members (ignoring any fraction resulting from the division) plus 1.
- (2) The Council must meet at least 6 times in any calendar year.
- (3) A meeting of the Council will be chaired by the presiding member or, in his or her absence, by the deputy presiding member and, in the absence of both the presiding member and the deputy presiding member, the members present at a meeting of the Council must choose 1 of their number to preside at the meeting.
- (4) A decision carried by a majority of the votes cast by members of the Council at a meeting is a decision of the Council.
- (5) Each member present at a meeting of the Council has 1 vote on any question arising for decision (but, to avoid doubt, the member presiding at the meeting does not have a casting vote if the votes are equal).

- (6) A conference by telephone or other electronic means between the members of the Council will, for the purposes of this section, be taken to be a meeting of the Council at which the participating members are present if—
- (a) notice of the conference is given to all members in the manner determined by the Council for the purpose; and
 - (b) each participating member is capable of communicating with every other participating member during the conference.
- (7) A proposed resolution of the Council becomes a valid decision of the Council despite the fact that it is not voted on at a meeting of the Council if—
- (a) notice of the proposed resolution is given to all members of the Council in accordance with procedures determined by the Council; and
 - (b) a majority of the members express concurrence in the proposed resolution by letter, fax, email or other written communication setting out the terms of the resolution.
- (8) The Council must have accurate minutes kept of its meetings.
- (9) Subject to this Act, the Council may determine its own procedures.

29—Conflict of interest under *Public Sector (Honesty and Accountability) Act 1995*

A member of the Council will not be taken to have a direct or indirect interest in a matter for the purposes of the *Public Sector (Honesty and Accountability) Act 1995* by reason only of the fact that the member has an interest in the matter that is shared in common with persons involved in the development children and young people generally, or a substantial section of persons involved in the development of children and young people.

Note—

The *Public Sector (Honesty and Accountability) Act 1995* imposes duties of honesty and accountability on public sector office holders, including members of the Council.

30—Primary function of Council

- (1) The primary function of the Council is to prepare and keep under review the *Outcomes Framework for Children and Young People*.
 - (2) Without limiting any other matter that may be included in the Outcomes Framework, the Outcomes Framework must include a Charter for Children and Young People.
- The regulations may make provision with regard to—
- (a) how the Outcomes Framework is to be prepared; and
 - (b) the kinds of information to be included in the Outcomes Framework; and
 - (c) consultation requirements relating to the Outcomes Framework; and
 - (d) adoption of the Outcomes Framework by the Minister; and
 - (e) requirements as to the ongoing review of the Outcomes Framework.

- (4) Without limiting this section, in preparing and reviewing the Outcomes Framework, the Council must—
- (a) engage children and young people and their families as part of any consultation undertaken; and
 - (b) ensure an appropriate focus on the needs of priority population groups; and
 - (c) develop or adopt performance indicators against which progress in relation to the development of children and young people in the State can be tracked over time.
- (5) The Council must—
- (a) cause the Outcomes Framework to be published on a website determined by the Minister; and
 - (b) ensure that copies of the Outcomes Framework are reasonably available for inspection (without charge) and purchase by the public at a place or places determined by the Minister.

31—Further functions of Council

- (1) Without limiting section 30, the Council has the following further functions:
- (a) to advise the Commissioner, the Minister and State authorities in relation to matters affecting the rights, interests and development of children and young people and their families;
 - (b) to advise the Commissioner, the Minister and State authorities in relation to reform in areas affecting the rights, interests and development of children and young people;
 - (c) to report to the Government on progress achieved towards—
 - (i) keeping children and young people safe from harm; and
 - (ii) ensuring that all children and young people are cared for in a way that allows them to realise their full potential; and
 - (iii) improving the physical and mental health, and the emotional well-being, of children and young people; and
 - (iv) improving access for children and young people to educational and vocational training; and
 - (v) improving access for children and young people to sporting and healthy recreational activities; and
 - (vi) ensuring that children and young people are properly prepared for taking their position in society as responsible citizens; and
 - (vii) maintaining the cultural identity of children and young people;
 - (d) to prepare and provide such other reports to the Minister as may be required under this or any other Act;
 - (e) to promote the safe care of children and young people by their families, carers and communities with particular reference to vulnerable children and young people;

- (f) to promote the implementation of the Outcomes Framework in respect of matters affecting children and young people under all Acts and laws of the State;
- (g) to assist, where necessary, in coordinating the work of area child development alliances under this Act and, where necessary, to resolve any issues that may arise between area child development alliances;
- (h) such other functions as may be assigned to the Council under this or any other Act or by the Minister.
- (2) In performing the functions under this section, the Council should, as far as is reasonably practicable, seek to work collaboratively with—
- (a) State authorities and Commonwealth agencies that have functions that are relevant to those of the Council; and
- (b) relevant industry, professional and community groups and organisations; and
- (c) any relevant area child development alliance.

32—Council may require information

- (1) The Council may, by notice in writing, require a State authority to give the Council information in its possession that the Council requires for the performance of its functions under this Act.
- (2) A State authority must give the specified information to the Council within the period specified in the notice.
- (3) If a State authority refuses or fails to comply with a notice under subsection (1), the Council may, after consultation with the State authority—
- (a) report the refusal or failure to the responsible Minister and to the Premier; and
- (b) include details of the refusal or failure in the annual report of the Council.

33—Use of Staff etc of Public Service

The Council may, under an arrangement established by the Minister administering an administrative unit of the Public Service, make use of the staff, equipment or facilities of that administrative unit.

Part 6—Area child development alliances

34—Establishment of area child development alliances

- (1) The Minister may establish 1 or more area child development alliances.
- (2) An area child development alliance must be established in relation to a specified area.
- (3) Subject to this section, the Minister may appoint such members to an area child development alliance as the Minister thinks fit.
- (4) In appointing members to an area child development alliance, the Minister should, as far as is reasonably practicable—
- (a) endeavour to achieve a gender balance on the area child development alliance; and

- (b) appoint members that collectively reflect the community in the area to which the area child development alliance relates.
- (5) The Minister must not appoint a person as a member of an area child development alliance unless the Minister is of the opinion that the person has qualifications, knowledge or experience relevant to the functions of the area child development alliance.
- (6) The Minister may appoint an existing person or body to be an area child development alliance in respect of a specified area.
- (7) An area child development alliance must elect 1 of its members to the presiding member of the area child development alliance.
- (8) The procedures to be observed in relation to the conduct of the business of an area child development alliance will be—
 - (a) as determined by the area child development alliance; and
 - (b) insofar as a procedure is not determined under paragraph (a)—as determined by the Minister.
- (9) An area child development alliance is not an agency or instrumentality of the Crown.

35—Functions of area child development alliances

- (1) An area child development alliance has the following functions:
 - (a) to advise the Commissioner, the Council, the Minister and State authorities in relation to matters affecting the development of children and young people and their families in their area;
 - (b) to prepare and implement an area child development action plan in relation to matters affecting the development of children and young people and their families in their area;
 - (c) such other functions as may be assigned to the area child development alliance under this or any other Act or by the Minister.
- (2) In performing its functions under this section, an area child development alliance should, as far as is reasonably practicable, seek to work collaboratively with—
 - (a) State authorities and Commonwealth agencies that have functions that are relevant to those of the area child development alliance; and
 - (b) relevant industry, professional and community groups and organisations.
- (3) In preparing an area child development action plan, an area child development alliance must—
 - (a) engage children and young people and their families as part of any consultation undertaken;
 - (b) ensure an appropriate focus on the needs of priority population groups.

36—Annual report

- (1) An area child development alliance must, on or before 30 September in each year, prepare and submit to the Council a report on the operations of the area child development alliance during the preceding financial year.

- (2) An annual report must contain such information as the Council may reasonably require.
- (3) The Council must incorporate the annual reports of area child development alliances under this section in its annual report for the relevant financial year.

Part 7—Miscellaneous

37—Confidentiality

- (1) A person engaged or formerly engaged in the administration of this Act must not divulge or communicate personal information obtained (whether by that person or otherwise) in the course of official duties except—
 - (a) as required or authorised by or under this Act or any other Act or law; or
 - (b) with the consent of the person to whom the information relates; or
 - (c) in connection with the administration or enforcement of this or any other Act; or
 - (d) to an agency or instrumentality of this State, the Commonwealth or another State or a Territory of the Commonwealth for the purposes of the proper performance of its functions.

Maximum penalty: \$10 000.

- (2) Subsection (1) does not prevent disclosure of statistical or other data that could not reasonably be expected to lead to the identification of any person to whom it relates.
- (3) Information that has been disclosed under subsection (1) for a particular purpose must not be used for any other purpose by—
 - (a) the person to whom the information was disclosed; or
 - (b) any other person who gains access to the information (whether properly or improperly and whether directly or indirectly) as a result of that disclosure.

Maximum penalty: \$10 000.

- (4) The regulations may make further provision in respect of the disclosure of information obtained in the course of the administration of this Act.

38—Service

- (1) A notice or document required or authorised to be given or sent to, or served on, a person for the purposes of this Act may—
 - (a) be given to the person personally; or
 - (b) be posted in an envelope addressed to the person at the person's last known residential, business or (in the case of a corporation) registered address; or
 - (c) be left for the person at the person's last known residential, business or (in the case of a corporation) registered address with someone apparently over the age of 16 years; or
 - (d) be transmitted by fax or email to a fax number or email address provided by the person (in which case the notice or document will be taken to have been given or served at the time of transmission).

- (2) Without limiting the effect of subsection (1), a notice or other document required or authorised to be given or sent to, or served on, a person for the purposes of this Act may, if the person is a company or registered body within the meaning of the *Corporations Act 2001* of the Commonwealth, be served on the person in accordance with that Act.

39—Regulations

- (1) The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.
- (2) Without limiting subsection (1), the regulations may require the provision of information, returns or reports to the Minister, the Commissioner, the Council or other specified person or body.
- (3) The regulations—
- (a) be of general application or vary in their application according to prescribed factors;
 - (b) provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister, the Commissioner, the Council or other specified person or body.

Schedule 1—Related amendment

Part 1—Preliminary

1—Amendment provisions

In this Schedule, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Children's Protection Act 1993*

2—Repeal of Part 7B

Part 7B—delete the Part