



National Redress Scheme for Institutional Child Sexual Abuse Amendment (2019 Measures No. 1) Rules 2019

I, Anne Ruston, Minister for Families and Social Services, make the following instrument.

Dated 19 November 2019

Anne Ruston
Minister for Families and Social Services

1 Name

This instrument is the *National Redress Scheme for Institutional Child Sexual Abuse Amendment (2019 Measures No. 1) Rules 2019*.

2 Commencement

This instrument commences on the day after it is registered.

3 Authority

This instrument is made under section 179 of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*.

4 Schedules

Each instrument that is specified in Schedule 1 to this instrument is amended or repealed as set out in the applicable items in Schedule 1, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

National Redress Scheme for Institutional Child Sexual Abuse Rules 2018

1 After Part 4

Insert:

Part 4A—Compliance with request for information

Division 1—Simplified outline of this Part

15A Simplified outline of this Part

Section 27 of the Act provides that nothing in a law of a State or Territory prevents a person from giving information that the person is requested to give to the Operator for the purposes of the scheme unless that law is prescribed by the rules. This Part prescribes a range of State and Territory laws for the purposes of that section. The laws listed in Division 2 below are not displaced by section 27 of the Act, and may prevent a person from providing information to the Operator if they apply in a particular case.

Division 2—State or Territory laws that may prevent a person from providing information to the Operator

15B State or Territory laws that may prevent a person from providing information to the Operator

For the purposes of section 27 of the Act, the laws specified in the table, as in force at the commencement of the *National Redress Scheme for Institutional Child Sexual Abuse Amendment (2019 Measures No. 1) Rules 2019*, are prescribed.

Item	State and Territory laws prescribed for section 27 of the Act
1	Queensland (a) section 36T of the <i>Ambulance Service Act 1991</i> (Qld); (b) section 22 of the <i>Australian Crime Commission (Queensland) Act 2003</i> (Qld); (c) section 186 of the <i>Child Protection Act 1999</i> (Qld); (d) sections 129, 130, 146J, 146ZP, 154 and 164 of the <i>Crime and Corruption Act 2001</i> (Qld); (e) section 86 in Schedule 1 of the <i>Criminal Code Act 1899</i> (Qld); (f) section 119 of the <i>Drugs Misuse Act 1986</i> (Qld); (g) section 21KD of the <i>Evidence Act 1977</i> (Qld); (h) sections 87 and 119 of the <i>Hospital and Health Boards Act 2011</i> (Qld); (i) sections 218, 293, 313, 352 and 356 of the <i>Police Powers and Responsibilities Act 2000</i> (Qld); (j) section 151B of the <i>Weapons Act 1990</i> (Qld);
2	<i>National Redress Scheme for Institutional Child Sexual Abuse Amendment (2019 Measures No. 1) Rules 2019</i>

Item State and Territory laws prescribed for section 27 of the Act

- (k) sections 36 and 37 of the *Witness Protection Act 2000* (Qld);
 - (l) section 300 of the *Youth Justice Act 1992* (Qld)
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2 New South Wales

- (a) Part 3 of the *Assisted Reproductive Technology Act 2007* (NSW);
 - (b) section 21E of the *Child Protection (Offenders Registration) Act 2000* (NSW);
 - (c) section 29 of the *Children and Young Persons (Care and Protection) Act 1998* (NSW);
 - (d) section 80 of the *Crime Commission Act 2012* (NSW);
 - (e) sections 20G, 20P and 23 of the *Health Administration Act 1982* (NSW);
 - (f) section 37 of the *Human Tissue Act 1983* (NSW);
 - (g) sections 111, 112 and 114 of the *Independent Commission Against Corruption Act 1988* (NSW);
 - (h) section 33 of the *Law Enforcement and National Security (Assumed Identities) Act 2010* (NSW);
 - (i) Part 14 of the *Law Enforcement Conduct Commission Act 2016* (NSW);
 - (j) section 20R of the *Law Enforcement (Controlled Operations) Act 1997* (NSW);
 - (k) sections 19A, 19B, 19C and 34 of the *Ombudsman Act 1974* (NSW);
 - (l) section 67 of the *Privacy and Personal Information Protection Act 1998* (NSW);
 - (m) section 45 of the *Private Health Facilities Act 2007* (NSW);
 - (n) section 169A of the *Police Act 1990* (NSW);
 - (o) section 56 of the *Public Health Act 2010* (NSW);
 - (p) section 22 of the *Public Interest Disclosures Act 1994* (NSW);
 - (q) section 40 of the *Surveillance Devices Act 2007* (NSW);
 - (r) sections 24, 32 and 33 of the *Witness Protection Act 1995* (NSW)
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3 Victoria

- (a) sections 41, 124, 191, 209 and 213 of the *Children, Youth and Families Act 2005* (Vic);
 - (b) section 140 of the *Confiscation Act 1997* (Vic);
 - (c) section 330 of the *Crimes Act 1958* (Vic);
 - (d) section 30 of the *Crimes (Assumed Identities) Act 2004* (Vic);
 - (e) section 36 of the *Crimes (Controlled Operations) Act 2004* (Vic);
 - (f) sections 84 and 85 of the *Criminal Organisations Control Act 2012* (Vic);
 - (g) section 63D of the *Health Services Act 1988* (Vic);
 - (h) sections 40 and 44 of the *Independent Broad-based Anti-corruption Commission Act 2011* (Vic);
 - (i) sections 43, 83 and 115 of the *Inquiries Act 2014* (Vic);
 - (j) sections 20 and 68 of the *Major Crime (Investigative Powers) Act 2004* (Vic);
 - (k) section 140 of the *Mental Health Act 2014* (Vic);
 - (l) sections 25B, 26A and 26F of the *Ombudsman Act 1973* (Vic);
 - (m) sections 52, 53, 74 and 81 of the *Protected Disclosure Act 2012* (Vic);
 - (n) section 48B of the *Public Health and Wellbeing Act 2008* (Vic);
 - (o) section 17 of the *Public Interest Monitor Act 2011* (Vic);
 - (p) section 64 of the *Sex Offenders Registration Act 2004* (Vic);
 - (q) sections 9C, 11, 12, 24 and 30E of the *Surveillance Devices Act 1999* (Vic);
 - (r) section 22 of the *Telecommunications (Interception) (State Provisions) Act 1988* (Vic);
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Item	State and Territory laws prescribed for section 27 of the Act
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- (s) sections 13ZJ, 37 and 37A of the *Terrorism (Community Protection) Act 2003* (Vic);
 - (t) sections 33, 34, 35 and 39 of the *Victorian Inspectorate Act 2011* (Vic);
 - (u) section 10 of the *Witness Protection Act 1991* (Vic)
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2 After Part 11

Insert:

Part 11A—Institutions that are not State institutions

Division 1—Simplified outline of this Part

54A Simplified outline of this Part

The Act defines when an institution is a State institution. Relevantly, an institution is not a State institution if the rules prescribe that it is not. Subsection 111(2) of the Act provides for the Minister to make rules to this effect. The institutions listed in Division 2 below are prescribed for the purposes of that subsection. As such, they are not State institutions under the Act.

Division 2—institutions that are not State institutions

54B Institutions that are not State institutions

An institution specified in the following table is prescribed for the purposes of subsection 111(2) of the Act as an institution that is not a State institution.

Item	Institutions that are not State institutions
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| 1 | Queensland <ul style="list-style-type: none">(a) Brisbane Girls Grammar School;(b) Brisbane Grammar School;(c) Ipswich Girls' Grammar School including Ipswich Junior Grammar School;(d) Ipswich Grammar School;(e) Rockhampton Girls Grammar School;(f) The Rockhampton Grammar School;(g) Toowoomba Grammar School;(h) Townsville Grammar School;(i) a board of trustees for an institution mentioned in paragraphs (a) to (h) above |
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