

2019

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Protection and Detention of Children (Omnibus) Bill 2019

No. , 2019

(AnswerMeNow1)

(Written by Tobycool2001_1)

**A Bill for an Act to implement the
recommendations of the Royal Commission and
Board of Inquiry into the protection and detention
of children in the Northern Territory, and for
related purposes.**

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1 **A Bill for an Act to implement the**
2 **recommendations of the Royal Commission and**
3 **Board of Inquiry into the protection and detention**
4 **of children in the Northern Territory, and for**
5 **related purposes.**

6 The Parliament of Australia enacts:

7 **1 Short title**

8 This Act is the *Protection and Detention of Children (Omnibus)*
9 *Bill 2019.*

10 **2 Commencement**

11 (1) Each provision of this Act specified in column 1 of the table
12 commences, or is taken to have commenced, in accordance with

1
2

column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information

Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this act	The day this Act receives the Royal Assent.	

3
4
5

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

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8

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

9

3 Schedules

10
11
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13

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

1 **Schedule 1—Royal Commissions Act 1902**

2 *Royal Commissions Act 1902*

3 **1 Section 1B**

4 Insert:

5 *Child in care* means a person who is or was the subject of child
6 protection agreements.

7 *Vulnerable witness* means:

- 8 (a) a person under 21 years of age; or
9 (b) a person, regardless of age, who is or was in a juvenile justice
10 detention centre, correctional centre or other secure
11 residential facility; or
12 (c) a person who is or was a *child in care; or
13 (d) a person:
14 (i) who is a parent, step-parent, sibling, or a grandparent of
15 the *child in care; or
16 (ii) who is or was acting as or regarded as the parent of the
17 *child in care;
18 in relation to information or evidence they provide to the
19 Commission regarding the *child in care; or
20 (e) a person with cognitive disability or mental illness; or
21 (f) any other person the Secretary to the Royal Commission
22 determines to be a *vulnerable witness.

23 **2 Subsection 2(1)**

24 After “Commission” (first occurring), insert “or any legal practitioner
25 appointed by the Attorney-General to assist a Commission”.

26 **3 Paragraph 6OM(1)(b)**

27 After “session;”, insert “or”

28 **4 After paragraph 6OM(1)(b)**

29 Insert:

- 30 (c) that relates to and identifies a *vulnerable witness;

1 **Schedule 2— Freedom of Information Act 1982**

2 *Freedom of Information Act 1982*

3 **5 After section 47A**

4 Insert:

5 **47AA Documents related to vulnerable witnesses**

6 (1) A document is an exempt document if it relates to and identifies a
7 *vulnerable witness.

8 (2) In this section:

9 ***Vulnerable witness*** means:

- 10 (a) a person under 21 years of age; or
11 (b) a person, regardless of age, who is or was in a juvenile justice
12 detention centre, correctional centre or other secure
13 residential facility; or
14 (c) a person who is or was a *child in care; or
15 (d) a person:
16 (i) who is a parent, step-parent, sibling, or a grandparent of
17 the *child in care; or
18 (ii) who is or was acting as or regarded as the parent of the
19 *child in care;
20 in relation to information or evidence they provide to the
21 Commission regarding the *child in care; or
22 (e) a person with cognitive disability or mental illness; or
23 (f) any other person the Secretary to the Royal Commission
24 determines to be a *vulnerable witness.

1 **Schedule 3— Health Insurance Act 1983**

2 *Health Insurance Act 1983*

3 **6 After subsection 19(6)**

4 Insert:

5 (7) A professional service that has been rendered by, or on behalf of, or
6 under an arrangement with:

7 (g) the Commonwealth; or

8 (h) a State; or

9 (i) a local governing body; or

10 (j) an authority established by a law of the Commonwealth, a
11 law of a State or a law of an internal Territory;

12 in relation to persons in youth detention is exempt from
13 subsection 19(2).