

Children and Young Persons (Care and Protection) Act 1998 No 157

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Chapter 16A

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Chapter 16A Exchange of information and co-ordination of services

245A Object and principles of Chapter

- (1) The object of this Chapter is to facilitate the provision of services to children and young persons by agencies that have responsibilities relating to the safety, welfare or well-being of children and young persons:
 - (a) by authorising or requiring those agencies to provide, and by authorising those agencies to receive, information that is relevant to the provision of those services, while protecting the confidentiality of the information, and
 - (b) by requiring those agencies to take reasonable steps to co-ordinate the provision of those services with other such agencies.
- (2) The principles underlying this Chapter are as follows:
 - (a) agencies that have responsibilities relating to the safety, welfare or well-being of children or young persons should be able to provide and receive information that promotes the safety, welfare or well-being of children or young persons,
 - (b) those agencies should work collaboratively in a way that respects each other's functions and expertise,
 - (c) each such agency should be able to communicate with each other agency so as to facilitate the provision of services to children and young persons and their families,
 - (d) because the safety, welfare and well-being of children and young persons are paramount:
 - (i) the need to provide services relating to the care and protection of children and young persons, and
 - (ii) the needs and interests of children and young persons, and of their families, in receiving those services,take precedence over the protection of confidentiality or of an individual's privacy.

245B Interpretation

- (1) In this Chapter:

prescribed body means any body or organisation specified in section 248 (6) or that is prescribed by the regulations for the purposes of that section.
 - (2) A reference in this Chapter to a prescribed body includes a reference to the person who is the chief executive officer (however described) of the prescribed body.
- (2A) In this Chapter:

- (a) a reference to a prescribed body includes a reference to any part (however described) of the prescribed body, and
 - (b) a reference to another prescribed body includes a reference to another part of the same prescribed body.
- (3) A reference in this Chapter to information relating to the safety, welfare or well-being of a child or young person includes a reference to information about the following:
- (a) an unborn child who is the subject of a pre-natal report under section 25,
 - (b) the family of an unborn child the subject of such a report,
 - (c) the expected date and place of birth of an unborn child the subject of such a report.

245C Provision of information

- (1) A prescribed body (the *provider*) may provide information relating to the safety, welfare or well-being of a particular child or young person or class of children or young persons to another prescribed body (the *recipient*) if the provider reasonably believes that the provision of the information would assist the recipient:
- (a) to make any decision, assessment or plan or to initiate or conduct any investigation, or to provide any service, relating to the safety, welfare or well-being of the child or young person or class of children or young persons, or
 - (b) to manage any risk to the child or young person (or class of children or young persons) that might arise in the recipient's capacity as an employer or designated agency.
- (2) Information may be provided under this section regardless of whether the provider has been requested to provide the information.

245D Request for information

- (1) A prescribed body (the *requesting agency*) may request another prescribed body to provide the requesting agency with any information held by the other body that relates to the safety, welfare or well-being of a particular child or young person or class of children or young persons.
- (2) Any such request may be made for the purposes of assisting the requesting agency:
- (a) to make any decision, assessment or plan or to initiate or conduct any investigation, or to provide any service, relating to the safety, welfare or well-being of the child or young person or class of children or young persons, or
 - (b) to manage any risk to the child or young person (or class of children or young persons) that might arise in the agency's capacity as an employer or designated agency.
- (3) If a prescribed body receives a request under this section, the prescribed body is required to comply with the request if it reasonably believes, after being provided with sufficient information by the requesting agency to enable the other body to form that belief, that the information may assist the requesting agency for any purpose referred to in subsection (2).
- (4) A prescribed body is not required to provide any information that it has been requested to provide if the body reasonably believes that to do so would:
- (a) prejudice the investigation of a contravention (or possible contravention) of a law in any particular case, or
 - (b) prejudice a coronial inquest or inquiry, or
 - (c) prejudice any care proceedings, or

- (d) contravene any legal professional or client legal privilege, or
 - (e) enable the existence or identity of a confidential source of information in relation to the enforcement or administration of a law to be ascertained, or
 - (f) endanger a person's life or physical safety, or
 - (g) prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention (or possible contravention) of a law, or
 - (h) not be in the public interest.
- (5) If a prescribed body refuses to provide information in accordance with a request under this section, the prescribed body must, at the time it notifies the requesting agency of the refusal, provide the requesting agency with reasons in writing for refusing the request.

245E Co-ordination of services

Prescribed bodies are, in order to effectively meet their responsibilities in relation to the safety, welfare or well-being of children and young persons, required to take reasonable steps to co-ordinate decision-making and the delivery of services regarding children and young persons.

245F Restriction on use of information provided under this Chapter

If any information is provided to a prescribed body under this Chapter, the prescribed body must not, except as otherwise required or permitted by any law, use or disclose the information for any purpose that is not associated with the safety, welfare or well-being of the child or young person (or class of children or young persons) to whom the information relates.

245G Protection from liability for providing information

- (1) This section applies if a person, acting in good faith, provides any information in accordance with this Chapter.
- (2) Any such person is not liable to any civil or criminal action, or any disciplinary action, for providing the information.
- (3) In providing the information, the person cannot be held to have breached any code of professional etiquette or ethics or departed from any accepted standards of professional conduct.

245H Interaction with other laws

- (1) A provision of any other Act or law (whether enacted or made before or after the commencement of this section) that prohibits or restricts the disclosure of information does not operate to prevent the provision of information (or affect a duty to provide information) under this Chapter.
- (2) This Chapter does not limit the operation of Part 3 of Chapter 2 or sections 185 and 248.

245I Commonwealth agencies

Nothing in this Chapter is to be construed as imposing a requirement on any of the following bodies:

- (a) the Federal Court of Australia,
- (a1) the Family Court of Australia,
- (b) the Federal Magistrates Court of Australia,
- (c) Centrelink,

(d) the Commonwealth Department of Immigration and Multicultural and Indigenous Affairs.

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