

Children, Youth and Families Act 2005
Provisions relating to giving reports, making referrals and sharing information

Table 1: Instigating report or referral

CYF Act Reference	Type of report/referral	Person making report/referral	Is report / referral mandatory or voluntary?	Recipient of report/referral	Information to be given	Does report/referral breach privacy obligations?
s 184	Report of a <i>child in need of protection</i> because there is a belief on reasonable grounds that a child has suffered or is likely to suffer significant harm as a result of physical injury or sexual abuse . Note: does not extend to unborn children	<i>mandatory reporters</i> (which includes nurses, doctors and psychologists and will include, from a future date to be fixed by the Governor in Council, social workers)	Mandatory and must be given as soon as practicable after forming the belief.	Protective intervener, being a member of the police force or the Secretary (Child Protection)	Report must cover the belief formed and the reasonable grounds for that belief. It is not necessary to provide any proof that abuse has occurred.	s 189: no, if the report is made in good faith.
s 183	Report, on reasonable grounds, that there is a <i>child in need of protection</i> on one of the grounds in section 162 other than physical injury or sexual abuse. Note: does not extend to unborn children	Anyone can make a report under section 183.	Voluntary	Protective intervener, being a member of the police force or the Secretary (Child Protection)	Report must cover the belief formed and the reasonable grounds for that belief. It is not necessary to provide any proof that abuse has occurred.	s 189: no, if the report is made in good faith.

CYF Act Reference	Type of report/referral	Person making report/referral	Is report / referral mandatory or voluntary?	Recipient of report/referral	Information to be given	Does report/referral breach privacy obligations?
s 185	Therapeutic treatment report, being a belief that a child aged between 10 and 15 years old is exhibiting sexually abusive behaviour and is in need of treatment.	Anyone can make a therapeutic treatment report	Voluntary	Secretary (Child Protection)	Report must cover the belief formed and the reasonable grounds for that belief.	s 189: no, if the report is made in good faith.
s 28	Report that there is a significant concern about the wellbeing of a child. Note: report can be made even though the child may not be a <i>child in need of protection</i> .	Anyone can make a child wellbeing report.	Voluntary	Secretary (Child Protection)	The reasonable grounds for the concern. The identity of the reporter is kept confidential unless the person who made the report gives <u>written</u> consent to Child Protection. (s 41)	s 40: no, if report is made in good faith.
s 29	Report about an <i>unborn</i> child if there is a significant concern about the wellbeing of that child after birth.	Anyone can make an unborn child report.	Voluntary	Secretary (Child Protection)	The reasonable grounds for the concern. The identity of the reporter is kept confidential unless the person who made the report gives <u>written</u> consent to Child Protection. (s 41)	s 40: no, if report is made in good faith.

CYF Act Reference	Type of report/referral	Person making report/referral	Is report / referral mandatory or voluntary?	Recipient of report/referral	Information to be given	Does report/referral breach privacy obligations?
s 31	Referral of a significant concern about the wellbeing of a child. Note: referral can be made even though the child may not be a <i>child in need of protection</i> .	Anyone can make a child wellbeing referral.	Voluntary	Community-based child and family services that are registered under s46 (Child FIRST)	The reasonable grounds for the concern. The identity of the reporter is kept confidential unless the report gives <u>written or oral</u> consent to Child FIRST. (s 41)	s 40: no, if report is made in good faith.
s 32	Referral about an <i>unborn</i> child if there is a significant concern about the wellbeing of that child after birth.	Anyone can make an unborn child referral.	Voluntary	Community-based child and family services that are registered under s46 (Child FIRST)	The reasonable grounds for the concern. The identity of the reporter is kept confidential unless the person who made the report gives <u>written or oral</u> consent to Child FIRST. (s 41)	s 40: no, if report is made in good faith.

Table 2: Responses by Information holders to requests for information (information sharing)

Person requesting information or consultation	Subject matter of request	Scope of information that can be requested from an Information Holder	Type of information to be given by Information Holder	Protection from legal consequences of disclosure
Child Protection	Report of a significant concern under section 28 or 29	A consultation or disclosure of information about the child, unborn child, mother or family may only be for the purpose of seeking advice on or assessing the risk to a child or seeking advice on or determining which community-based child and family service or service agency is appropriate to provide assistance for the child or family. Consultation is voluntary	Information only; NOT documents	s 37: disclosers protected from liability for breach of privacy obligations and unprofessional conduct, if disclosure is made in good faith.
Child FIRST	Referral of a significant concern under section 31 or 32	A consultation or disclosure of information about the child, unborn child, mother or family may only be for the purpose of seeking advice on or assessing the risk to a child. Consultation is voluntary	Information only; NOT documents	s 37: disclosers protected from liability for breach of privacy obligations and unprofessional conduct, if disclosure is made in good faith.
Child Protection	Where a report about a child is classified as a <i>protective intervention report</i> by Child Protection. (cannot relate to unborn children)	s 192 Child Protection can request information that is relevant to the <i>protection or development of a child</i> . Disclosure is voluntary	Information only; NOT documents	s 193: disclosers protected from liability for breach of privacy obligations and unprofessional conduct, if disclosure is made in good faith.
Authorised Officer	Where a <i>protection order</i> is	s 195 Authorised Officer can give a written direction to an Information Holder to:	Information AND documents can be	s 141(2)(c) of the <i>Health Services Act</i>

Person requesting information or consultation	Subject matter of request	Scope of information that can be requested from an Information Holder	Type of information to be given by Information Holder	Protection from legal consequences of disclosure
(Secretary gives authorisation)	in force in respect of a child	<p>-give information on any matter concerning the protection or development of the child; -produce documents that relate to any matter concerning the protection or development of the child; and -give reasonable assistance in relation to the child.</p> <p>Provision of information is <i>mandatory</i>, unless legal professional privilege applies or the giving of information would incriminate that person. Medical professional privilege does not apply.</p>	given.	permits information to be given if it is expressly required by any other Act.