# Information sharing provisions under the *Child Protection Act 1999*

This Fact Sheet is to inform domestic and family violence, sexual assault and women’s health and wellbeing services about new information sharing provisions under the *Child Protection Act 1999* (the Act).

These provisions commence on 29 October 2018.

The changes provide a contemporary information sharing regime for the child protection and family support system to support the safety, wellbeing and best interests of children experiencing vulnerability.

It does this by:

* Prioritising children’s safety over an individual’s privacy
* Defining who can share information
* Identifying the particular purpose for sharing information.

## Information sharing without consent

The new provisions cover information sharing where a person has provided consent for their personal information to be disclosed, but also covers information sharing where the person hasn’t provided consent.

## Who can share information?

The new provisions allow the Department of Child Safety, Youth and Women (Child Safety), newly defined prescribed entities, Specialist Service Providers and Service Providers to share information.

## Who is a prescribed entity?

A government agency responsible for adult corrective services, community services, disability services, education, housing services, Queensland Police Service, Mater Health Services, accredited non-state schools, Specialist Service Providers and other entities that provide a service to children and families that is prescribed by legislation.

### 

## Who is a Specialist Service Provider?

A non-government entity or organisation funded by the State or Commonwealth to provide services to a relevant child or the family of a relevant child.

A relevant child is a child in need of protection or a child who may become a child in need of protection if support is not given to the child or the child’s family.

## Who is a Service Provider?

An organisation or person providing services to children or families (other than a Specialist Service Provider), a licensee or an independent entity.

## Impact on domestic and family violence, sexual assault and women’s health and wellbeing services?

Under the provisions of the Act, services funded to provide domestic and family violence, sexual assault or women’s health and wellbeing services would fall within the definition of either a Specialist Service Provider or a Service Provider.

## Are you a Specialist Service Provider?

You will fall within this definition if you are directly employed by an organisation who receives funding from the state or commonwealth to provide services to a relevant child, such as:

* Family and Child Connect (FaCC)
* Intensive Family Support (IFS)
* Assessment and Service Connect (ASC)

For example, a Domestic and Family Violence worker directly employed by an IFS, FACC or ASC service (as opposed to a sub-contracting arrangement) will be a Specialist Service Provider.

### 

## Are you a Service Provider?

Organisations funded to provide domestic and family violence, sexual assault or women’s health and wellbeing services would fall within the definition of Service Provider. Most domestic and family violence, sexual assault and women’s health and wellbeing services will come under this category.

The information sharing provisions under the Act do not impact information sharing requirements you have under the *Domestic and Family Violence Protection Act 2012.*

## When can information be shared?

* To make a decision about reporting suspicion of harm or risk of harm to a child to Child Safety
* To assist Child Safety to assess or investigate harm or risk of harm to a child or to take other action
* To assess care needs and to plan services
* To decrease the likelihood of a child becoming a child in need of protection
* To facilitate participation of an Aboriginal or Torres Strait Islander child or a child’s family in decisions and making plans relating to the child.

## Information sharing relative to pregnant women

The new provisions enable information sharing about a pregnant woman in relation to her unborn child. This includes information sharing without her consent in particular circumstances:

* Prescribed entities and service providers may share information with each other to decide whether to report suspicion of risk or harm to a child after its birth
* Prescribed entities or service providers may share information with Child Safety to assist them to assess or investigate whether an unborn child might be in need of protection after birth as well as to provide help and support to the pregnant woman.

## When must information be shared with Child Safety?

Prescribed entities must comply with a request from Child Safety for information under section 159N in relation to children, an unborn child or another person.

The information requested by Child Safety must be relevant to the performance of a function or exercise of a power under the Act.

## More Information

The department has developed resources to provide more information and to assist in raising awareness of changes to the Act, including an [Information awareness presentation for external suppliers](https://www.csyw.qld.gov.au/resources/dcsyw/about-us/publications/legislation/information-awareness.pdf).

Information Sharing Guidelines will provide additional guidance on when and how information can be shared without consent under the Act. They will be published on-line when the legislation commences.

Further information and resources are available on the department’s internet site: <https://www.csyw.qld.gov.au/child-family/child-family-reform/child-safety-legislation-reform>

If you have any questions, please contact the CPRAA Implementation Team:

☎: (07) 3238 7666

✉: [CPAreform@csyw.qld.gov.au](mailto:CPAreform@csyw.qld.gov.au)