Quick Guide

Information sharing under the *Youth Justice Act 1992* (Qld) (YJ Act)

Staff from prescribed entities and approved service providers can share information to support case management for young people charged with an offence.

Prescribed entities currently include the following departments:

- Communities, Housing and Digital Economy
- Queensland Corrective Services
- Education
- Queensland Health

- Queensland Police Service
- Children, Youth Justice and Multicultural Affairs
- Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships.

NOTE: The list of **approved service providers** will be continually updated, view the up-to-date list online

WHAT information can be shared, and WHY?

Any confidential information can be shared under the YJ Act about a child who has been charged with an offence if you reasonably believe the information may help the recipient to:

- Participate in **case planning** for the child.
- **Assess** the child's needs.
- Ensure a **court** is able to take into account the child's needs.

- **Address** the child's **health needs or disability needs** so far as they are relevant to the child's previous, or possible future, offending behaviour.
- Provide appropriate **referrals** for the child.
- **Deliver services, programs or support** for the child.

WHEN information CANNOT be shared

The Division 2A provisions generally override other laws that prohibit or restrict information release. However, they cannot override specific confidential requirements that are provided in:

- *Child Protection Act 1999* section 186
- *Criminal Code* section 590AX
- *Director of Public Prosecutions Act 1984* section 24A
- *Evidence Act 1977* sections 21AZB, 21AZC and 93AA
- *Legal Aid Queensland Act 1997* sections 75 and 82

Eg: Protecting the identity of a notifier of suspected child harm
Eg: Protecting sensitive evidence from being copied
Eg: Protecting information received through employment
Eg: Prohibiting recordings from being possessed or shared
Eg: Protecting information received through employment

For further information, refer to 'The Best Practice Guide for Multi-Agency Collaboration', the 'Information Sharing and Services Coordination for Children Charged with Offences MOU' and the *YJ Act 1992*

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You receive a request for information about a child

KEY DEFINITIONS

Child charged with an offence - a child who was charged with an offence and is receiving a service provided for the purpose of dealing with them under the YJ Act, or helping rehabilitate them. See the legislation.

Confidential information - any information of a confidential nature relating to the young person (for example a mental health assessment, a 72-hour release plan, education or child safety information etc). See the legislation.

Request notice - a written notice detailing the information being sought and the purpose for disclosure.

Consent - informed written consent using the consent form or the consent form (easy English).See the legislation.

Disclosure notice - a written notice detailing the information being disclosed and the purpose for disclosure. See the legislation.

Particular purpose under s297G includes:
(a) participate in case planning for the child
(b) assess the child's needs
(c) ensure a court is able to take into account the child's needs
(d) provide appropriate referrals for the child
(e) deliver services, programs or support for the child
(f) address the child's health needs or disability needs so far as they are relevant to the child's previous, or possible future, offending behaviour. See the legislation.

Is your agency a prescribed entity or an approved service provider? — No → The arrangement does not apply. Consider other provisions that may enable information sharing.

Yes ↓

Is the requesting agency a prescribed entity or a service provider? — No →

Yes ↓

Check with local services (eg QPS) to verify if child is captured under this definition.

Is the child charged with an offence and receiving a service under the Act? — Unsure → (check box above) — No →

Yes ↓

Has the requesting agency provided a request notice? — No → Ask the requesting agency to provide a request notice.

Yes ↓

Do you reasonably believe sharing the confidential information will help the requesting agency achieve a s 297G purpose? — No →

Yes ↓

Have you obtained the child's consent? — No → You may share the information, but you must make all reasonable attempts to inform the child of the disclosure and purpose, and record these attempts.

Yes ↓

You may share the information, but you must provide the requesting agency with a written 'disclosure notice' before, or at the time the information is disclosed.

NOTE: This 'disclosure notice' may be relied upon for up to 6 months.

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