

CHAPTER 16A - EXCHANGING INFORMATION - PRIVATE HEALTH PROFESSIONALS

What is Chapter 16A?

[Chapter 16A of the Children and Young Persons \(Care and Protection\) Act 1998](#) establishes a scheme for information exchange between [prescribed bodies](#), and requires these bodies to take reasonable steps to co-ordinate the provision of services with other organisations. This takes precedence over other legislation regulating information disclosure (e.g. [Government Information \(Public Access\) Act 2009](#) and [Health Records and Information Privacy Act 2002](#)). This provision promotes coordination and collaboration between agencies and workers, respecting individual functions and expertise, so that children and families receive timely assistance.

In May 2016, specified [private health professionals](#) were included as prescribed bodies for the purposes of Chapter 16A.

Providing information under Chapter 16A

Information can be shared if it relates to the safety, welfare or well-being of a child or young person (or class of children or young persons), and may include information about:

- a parent or other family member.
- a child or young person's history or circumstances.
- any person/s having a significant relationship or contact, with the child or young person.
- other agencies working with the child or young person, including past support or service arrangements.
- an unborn child (if they have been the subject of a report to the Child Protection Helpline or to a Child Wellbeing Unit).

Complying with information exchange requests

A prescribed body must comply in a timely manner with a request for information providing the requirements under Chapter 16A are satisfied. If a prescribed body refuses to provide information, the requesting organisation should be notified in writing of the reasons for refusal. The prescribed body can only refuse to provide the information requested if it reasonably believes the disclosure would:

- prejudice the investigation of any contravention (or possible contravention) of a law
- prejudice a coronial inquest or inquiry
- prejudice any care proceedings
- contravene any legal professional or client legal privilege
- enable the existence or identity of a confidential source of information in relation to the enforcement or administration of a law to be ascertained
- endanger a person's life or physical safety
- prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a breach (or possible breach) of a law, or
- not be in the public interest.

A prescribed body cannot lawfully refuse to provide relevant and necessary information on the basis that the requesting agency has not paid a fee for the service.

Information can be exchanged in writing (preferred) or verbally if there is an established relationship between the prescribed bodies. If information is exchanged verbally, prescribed bodies should make a written record of the exchange.

More information

For specific information related to private health professionals and Chapter 16A, see NSW Health's Factsheet on [Exchanging Information with Private Health Professionals](#).

General information on Chapter 16A can be found on the [Department of Family and Community Services website](#).