

November 2013

MEMORANDUM OF
UNDERSTANDING
BETWEEN
YOUTH JUSTICE AND
CORRECTIONS VICTORIA

DEPARTMENT OF HUMAN SERVICES AND
DEPARTMENT OF JUSTICE





If you would like to receive this publication in another format, please phone 9096 7803 using the National Relay Service 13 36 77 if required.

Visit your department's intranet for a copy of this document.

Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.

Printed by Red Graphix, Bayswater.

April 2014.

PREFACE

Youth Justice, Department of Human Services and Corrections Victoria, Department of Justice recognised the need to enhance the management of young people who have contact with the criminal justice system. Therefore, it is with pleasure that we introduce this Memorandum of Understanding (MoU). We see this as an important building block in the evolving partnership between the two departments.

This MoU reinforces the necessary collaborative working relationship between each organisation by outlining the responsibilities and formalising the mechanisms for the exchange of information about these young people.

The MoU will provide a platform for improved coordination and communication between staff of the respective jurisdictions to meet our shared objective of better outcomes for young people. These young people often present with multiple issues and complex needs, requiring a comprehensive response to ensure their immediate well-being, improve their prospects for rehabilitation and ultimately, contribute to community safety. By conceptualising the youth justice and adult correctional systems as a continuum of care for this potentially vulnerable population, a framework for a more integrated, holistic response can result.

This MoU supports an improved and shared understanding, and will guide our joint efforts to meet the needs of young people.

SIGNATORIES

This Memorandum of Understanding is signed by the below parties

Executed:

On behalf of the Department of Human Services, as represented by	
Name:	Arthur Rogers
Position:	Deputy Secretary, Service Design and Implementation & Director of Housing
Date:	2 December 2013
On behalf of the Department of Justice, as represented by	
Name:	Jan Shuard PSM
Position:	Commissioner, Corrections Victoria
Date:	29 November 2013

CONTENTS

PREFACE	3
SIGNATORIES	3
CONTENTS	5
1. INTRODUCTION	6
1.1 Parties	6
1.2 Purpose	6
1.3 Context	6
1.4 Scope	6
1.5 Expected outcomes	7
2. YOUTH JUSTICE ROLE AND STATUTORY RESPONSIBILITIES	8
Youth Justice Court Advice Service	8
Youth Justice Custodial Services	9
Youth Justice Community-Based Services	9
Youth Justice nominated representatives	9
3. CORRECTIONS VICTORIA ROLE AND STATUTORY RESPONSIBILITIES	10
Corrections Victoria nominated representatives	10
4. YOUTH JUSTICE SEEKING INFORMATION FROM CORRECTIONS VICTORIA	11
4.1 Young person involved with youth justice with a Corrections Victoria history	11
4.2 Transfers from a youth justice centre to prison	11
4.3 Transfer of young people sentenced in the Children’s Court	12
4.4 Transfer of young people sentenced by an adult court	12
4.5 Following a transfer to prison	12
5. CORRECTIONS VICTORIA SEEKING INFORMATION FROM YOUTH JUSTICE	13
5.1 Young adult offender with youth justice history	13
5.2 Youth justice client transferred or sentenced to prison	13
5.3 Notification of young persons under 18 years of age in custody	14
6. JOINT RESPONSIBILITIES AND RECIPROCAL EXCHANGE OF INFORMATION BETWEEN YOUTH JUSTICE AND CORRECTIONS VICTORIA	15
6.1 Supervised bail/deferral of sentencing for young offenders	15
6.2 Process for pre-sentence assessments	15
6.3 Case management of dual order clients	16
6.4 Transfer of health information between health service providers in the instance of transfer between YJC and adult prison	16
6.5 Privacy and confidentiality	17
6.6 Review	17
6.7 Dispute resolution	17
6.8 Term	17

1. INTRODUCTION

1.1 Parties

The parties to this Memorandum of Understanding (MoU) are:

- > Youth Justice, Department of Human Services
- > Corrections Victoria, Department of Justice.

1.2 Purpose

The purpose of this MoU is to improve the management of young people under the supervision and/or custody of Youth Justice and Corrections Victoria by enhancing the exchange of information, and clarifying respective and joint responsibilities.

This MoU also relates to information required to assess the suitability of a young person for sentencing to either custodial system, to protect the safety and enhance the wellbeing of an individual who has been transferred between these systems or who has previously been managed in one system before entering the other.

Minimising the progression of young people into the criminal justice system is a key focus of both systems through the application of interventions which aim to reduce the risk of re-offending and risk to the community. It is important to promote and support practices that strengthen and support collaboration and improve service delivery integration between Youth Justice and Corrections Victoria. The efficiency and effectiveness of both systems will be improved by identifying the key points of contact for communication.

1.3 Context

Youth Justice and Corrections Victoria are both responsible for the custody, management, supervision and rehabilitation of young people in the youth justice or adult systems respectively. These young people may be directed by the court to accept the supervision of Youth Justice and/or Corrections Victoria while on bail or deferral of sentence, when detained on remand, or when sentenced to a community-based order or a custodial order through the dual track custodial sentencing option available to Victorian courts. Additionally young people may become subject to the youth justice or adult systems when transferred from one system to the other by the Adult Parole Board or the Youth Parole Board.

The principal legislation for the Youth Justice service is the *Children, Youth and Families Act 2005* and the *Sentencing Act 1991* (Vic.).

The statutory responsibilities of Corrections Victoria in relation to assessing, managing and supervising people on custodial or community-based sentencing dispositions are outlined in the *Sentencing Act*, *Sentencing Regulations 2011* and *Corrections Act 1986* (Vic.).

As public authorities, Youth Justice and Corrections Victoria must comply with the *Charter of Human Rights and Responsibilities Act 2006* (the Charter). Under the Charter, staff of both Youth Justice and Corrections Victoria must consider human rights when making a decision, providing advice or delivering a service.

1.4 Scope

This MoU covers circumstances that may require Youth Justice and Corrections Victoria to exchange information about a young person including, but not limited to, situations where:

- > a young person is a client of both Youth Justice and Corrections Victoria. Dual clients include young people who are concurrently serving court orders supervised by both services
- > a young person subject to the involvement of either Youth Justice or Corrections Victoria after spending a period of time under the supervision of the other service

- > a Youth Justice officer is preparing a pre-sentence report on the suitability of a young person who has been on remand in an adult prison or under the supervision of Community Correctional Services (CCS) for sentencing to a youth justice centre
- > a CCS officer is preparing an assessment relating to the suitability of a young person for sentencing to a Community Correction Order (CCO) while they are under the supervision of Youth Justice
- > a Youth Justice officer is providing bail supervision and progress reports for young adults aged 18 to 20 years to divert them from a more intensive adult justice outcome.

This MoU is not intended to endorse retrospective information exchange relating to a person who is not currently under the custody or supervision of either Youth Justice or Corrections Victoria. Children and young people have varied developmental (physical, social and psychological) trajectories, and information from a previous point in time may not be currently applicable. However, where the information is considered important to a person's safety, wellbeing, rehabilitation or to reduce the risk of their re-offending, nominated representatives may deem the exchange of retrospective information necessary.

Requests for information made by the Sex Offender Management Branch, Corrections Victoria, are exempt. These requests may require information to be made available even when significant time has passed, in accordance with the *Serious Sex Offenders (Detention and Supervision) Act 2009*. For further detail see Commissioner's Requirement: *Guidelines for Disclosure of Information - Serious Sex Offenders (Detention and Supervision) Act 2009* or the *Department of Human Services Guidelines for Disclosure: Serious Sex Offenders (Detention and Supervision) Act 2009*.

This MoU supports effective communication between Youth Justice and Corrections Victoria but it is not intended to replace the requirement for open communication and collaborative relationships between the two services. This MoU does not remove the parties from their respective responsibility and capacity to undertake what is legally required or authorised.

1.5 Expected outcomes

The safety, wellbeing and rehabilitation of young people involved with either/or both systems will be enhanced by the improved information exchange between Youth Justice and Corrections Victoria. Information exchange in relation to a young person's risk of violence and challenging behaviours can assist with the safety of staff and other individuals in both systems.

Accurate and timely information exchange is particularly important where it relates to vulnerable young people who are at risk of suicide or self-harm, or have other behavioural or mental health issues. When an individual transfers between systems the sharing of critical information enables appropriate supports to be in place, and improves the provision of care and protection.

The exchange of relevant and personal information may also facilitate the development of better custodial placement options and targeted interventions for the young person.

Good information exchange will assist with assessment and report writing for the courts and Parole Boards, resulting in better-informed sentencing and parole decisions.

2. YOUTH JUSTICE ROLE AND STATUTORY RESPONSIBILITIES

The Department of Human Services is responsible for the detention and statutory supervision of young people in the criminal justice system. The Youth Justice service within the department provides programs and resources to assist these young people to develop the knowledge, skills and attitudes to manage their lives effectively without further offending. Through supervision, offending-related programs and linkages to appropriate support services, Youth Justice promotes opportunities for rehabilitation and contributes to the reduction of crime in the community.

The Youth Justice service objectives are to:

- > where appropriate, support diversion of young people charged with an offence from the criminal justice system
- > minimise the likelihood of re-offending and further progression into the criminal justice system through supervision that promotes pro-social behaviours and challenges offending behaviours and related attitudes
- > enable an integrated approach to the provision of support that extends beyond the court order and work with other services to strengthen community-based options for young people
- > engender public support and confidence in the Youth Justice service.

Youth Justice provides services for young people:

- > 10 to 20 years on bail or deferral of sentence orders from the children's and adult courts
- > 10 to 14 years sentenced to a youth residential centre order or a community-based order by the Children's Court
- > 15 years and over sentenced to a youth justice centre order or a community-based order by the Children's Court
- > 18 to 20 years who have been sentenced by an adult court to a youth justice centre order rather than imprisonment. This is commonly referred to as the 'dual track' system, which is intended to prevent vulnerable young people from entering the adult prison system. A young person may be sentenced to a youth justice centre order if the court believes the young person has reasonable prospects for rehabilitation, or is particularly impressionable, immature or likely to be subjected to undesirable influences in an adult prison (s. 32, Sentencing Act)
- > 18 to 20 years who are imprisoned and then transferred by the Adult Parole Board to a youth justice centre (s. 471, Children, Youth and Families Act)
- > when a pre-sentence report or youth justice centre suitability assessment is requested In the Children's Court, adult courts or by the Adult Parole Board
- > appearing before the Youth Parole Board or Youth Residential Board in relation to parole planning and progress on parole and transfers between jurisdictions
- > on orders imposed by interstate jurisdictions when representative supervision has been approved by the directors of the youth justice services in the relevant state and/or territory.

Youth Justice Court Advice Service

The Youth Justice Court Advice Service (YJCAS) is a statewide, specialised, youth-focused advisory service provided in both the children's and adult courts to assist the sentencing process. YJCAS provides information on a range of community-based options, including diversion, bail, and community support services. YJCAS undertakes suitability assessments for bail supervision, youth justice group conferencing, and youth justice centre orders.

In the adult courts, YJCAS provides an assessment and support service for young people aged 18-20 years, including youth justice centre suitability assessments, bail support and advice and referral services.

Because of their work in the courts, YJCAS workers can provide an interface between the youth and adult correctional systems and facilitate their coordination, collaboration and information exchange.

Youth Justice Custodial Services

Youth Justice Custodial Services is responsible for the operation and management of three youth justice centres, comprising:

- > Parkville Youth Residential Centre
 - Males 10 - 14 years remanded and sentenced
 - Females 10 - 17 years remanded and sentenced
 - Females 18 - 20 years sentenced
- > Melbourne Youth Justice Centre
 - Males 15 - 17 years remanded and sentenced
- > Malmsbury Youth Justice Centre
 - Males 18 - 20 years sentenced

Youth Justice Community-Based Services

Youth Justice teams provide a statewide service to young people appearing in court, and those on custodial and community-based court orders, including youth parole orders.

Youth Justice nominated representatives

An accompanying list of Youth Justice Service and Corrections Victoria nominated representatives is available on your intranet as a standalone attachment to this MoU. This document provides contact details for information exchange between Youth Justice and Corrections Victoria nominated representatives.

3. CORRECTIONS VICTORIA ROLE AND STATUTORY RESPONSIBILITIES

Corrections Victoria operates Victoria's adult corrections system, comprising prisons and Community Correctional Services (CCS). It aims to ensure that prisoners are safely and securely contained and to rehabilitate offenders by addressing the underlying causes of offending behaviour. Corrections Victoria's purpose is to enhance public safety and crime reduction through the effective administration of prison sentences and the enforcement of community correctional orders. It does this through its offender management practices, actively engaging with offenders and the community to promote positive behavioural change and address social disadvantage.

Corrections Victoria provides services for:

- > adult courts where pre-sentence assessments and advice, including input into E-Scans prior to a Community Correction Order (CCO) with residence conditions, are requested
- > adult offenders who have been sentenced to a term of imprisonment or a CCO by a court, or on remand
- > offenders under 18 years who have been sentenced to a term of imprisonment or on remand
- > young people aged 16 years and over who have been transferred by the Youth Parole Board to prison from a youth justice centre
- > co-ordination of assessments and applications under the Serious Sex Offenders (Detention and Supervision) Act and the monitoring, supervision, treatment and case management of sex offenders made subject to post-sentence orders (supervision or detention)
- > Adult Parole Board in relation to parole planning and supervision.

CCS provides court advice and manages adult offenders (aged 18 years and over) on court ordered community-based dispositions, Adult Parole Board orders, and post-sentence orders.

CCS also undertakes assessments of offenders for suitability for release on parole or for a court-ordered CCO, including recommendations relating to specific program conditions that may be attached to orders and parole. The offenders are case managed, applying the principles of the Offender Management Framework.

Corrections Victoria nominated representatives

An accompanying list of Youth Justice Service and Corrections Victoria nominated representatives is available on your intranet as a standalone attachment to this MoU. This document provides contact details for information exchange between Youth Justice and Corrections Victoria nominated representatives.

4. YOUTH JUSTICE SEEKING INFORMATION FROM CORRECTIONS VICTORIA

When sharing information, reports should be scanned and emailed to the nominated representative. Where the situation requires immediate advice, information may be shared verbally during a case conference or by phone or email to the nominated representative or their delegate.

4.1 Young person involved with youth justice with a Corrections Victoria history

Youth Justice workers may request information from Corrections Victoria when a young person is currently detained in an adult prison (either remanded or sentenced), under the supervision of CCS or is known to have had contact with Corrections Victoria, and information is required by Youth Justice to inform a suitability assessment, pre sentence or other report for a:

- > youth justice centre order (s. 32, Sentencing Act)
- > transfer from prison to a youth justice centre (s. 471, Children, Youth and Families Act).

In preparing the report, if the Youth Justice officer assesses that the sentence could be served in the community, the Youth Justice officer can recommend that the court consider an assessment of the young person's suitability for a CCO by CCS. In such cases, the Youth Justice worker will notify the CCS court officer that an assessment for CCO suitability by CCS will be proposed.

Youth Justice may request the following information from a nominated Corrections Victoria officer:

- > offending history
- > risk assessments, including any conducted to assess risk of harm to self or others
- > prevalence of behaviours that could pose a risk to staff and others
- > family background and current circumstances
- > psychological assessments
- > young person's behaviour, including details of incidents while in prison
- > strategies or behaviour management plans that have been used to manage the young person
- > information about the young person's level of vulnerability
- > young person's education level and involvement in programs, including level of participation
- > any special needs, such as medical problems, drug/alcohol abuse, mental health issues, disabilities and cultural responsiveness
- > information required to avoid a serious and immediate threat to an individual's life, health, safety or welfare, including allergies, medication needs and any other medical alerts
- > any other documentation that is considered relevant to the case management, safety or wellbeing of the individual.

4.2 Transfers from a youth justice centre to prison

On occasion, some young people are deemed unsuitable to continue to serve their sentence in a youth justice centre. In these cases, the Secretary of the Department of Human Services can make an application to the Youth Parole Board for those young people aged 16 years or more to be transferred to prison for the remainder of their sentences. To support this application, Youth Justice will require information from Corrections Victoria about where and how the young person will be accommodated in an adult prison.

This exchange will strengthen the documentation of relevant detail in the transfer application to inform the Youth Parole Board's decision.

When a transfer application is being considered, Youth Justice Custodial Services will seek advice from the Assistant Commissioner, Sentence Management Branch, Corrections Victoria on the likely or possible placement of the young person, should a transfer to prison take place. This includes:

- > how they are likely to be classified by Corrections Victoria
- > whether it is likely they will be accommodated in high security and management units
- > availability of education, vocational, health, disability and culturally appropriate supports
- > any impact upon family relationships and access.

This exchange will enable information to be provided in the application to inform the Youth Parole Board's decision and assist the Sentence Management Branch to arrange for the young person's transfer, should a direction be made by the Youth Parole Board. The Board has discretion to use broader considerations, apart from the young person's behaviour, in its decision-making. Behaviour of the young person may be a factor leading to transfer, but other factors including the young person's age, level of maturity and/or length of sentence may also form grounds for a transfer.

4.3 Transfer of young people sentenced in the Children's Court

Section 467 of the Children, Youth and Families Act states that, for young people sentenced in a Children's Court, the Secretary of the Department of Human Services must make an application to the Youth Parole Board for transfer. The Board must take into account a report from the Secretary and must be satisfied that the young person's behaviour threatens the good order and safe operation of the centre, and cannot be properly controlled there. The report from the Secretary must include information about the steps taken to avoid the need for transfer.

4.4 Transfer of young people sentenced by an adult court

For those young people sentenced by an adult court who are aged 18 years or more, the Youth Parole Board has the power to direct a young person to be transferred to prison if it considers it appropriate, having regard to the past history and behaviour of the young person. There is no legislative requirement for an application or report from the Secretary of the Department of Human Services, however the Youth Parole Board expects to receive a report for all applications for transfer regardless of age or sentencing court.

4.5 Following a transfer to prison

The General Manager of the youth justice centre must ensure that relevant information about the young person is provided to Corrections Victoria in accordance with this MoU. The General Manager will advise the service of the transfer where the young person is currently subject to Child Protection involvement. The General Manager of the youth justice centre must inform the young person's parent/guardian of the transfer as soon as possible.

5. CORRECTIONS VICTORIA SEEKING INFORMATION FROM YOUTH JUSTICE

When sharing information, reports should be scanned and emailed to the nominated representative. Where the situation requires immediate advice, information may be shared verbally during a case conference or by phone or email to the nominated representative or their delegate.

5.1 Young adult offender with youth justice history

Corrections Victoria may request information relevant to the case management of a young adult offender who has recently been under the supervision of Youth Justice prior to receiving a sentence of imprisonment, subject to a CCO, or as an eligible sex offender being considered for a supervision or detention order under the Serious Sex Offenders (Detention and Supervision) Act.

Corrections Victoria may request from a nominated Youth Justice Officer information relating to:

- > offending history
- > risk assessments, including any conducted to assess risk of harm to self or others
- > prevalence of behaviours that could pose a risk to staff and others
- > family background and current circumstances
- > psychological assessments
- > young person's behaviour, including details of incidents while in prison
- > strategies or behaviour management plans that have been used to manage the young person
- > information about the young person's level of vulnerability
- > young person's education level and involvement in programs, including level of participation
- > any special needs, such as medical problems, drug/alcohol abuse, mental health issues, disabilities and cultural responsiveness
- > information required to avoid a serious and immediate threat to an individual's life, health, safety or welfare, including allergies, medication needs and any other medical alerts
- > any other documentation that is considered relevant to the case management, safety or wellbeing of the individual.

As referred to above, for individuals subject to *the Serious Sex Offenders (Detention and Supervision) Act 2009*, details of offences, relevant victim information (such as age, gender, relationship to offender) must be provided as required by the Act.

5.2 Youth justice client transferred or sentenced to prison

Corrections Victoria may request information from a nominated Youth Justice representative or their delegate when:

- > a young offender detained in a youth justice centre receives a court order directing them to be detained in an adult prison (remanded or sentenced)
- > Youth Parole Board directs that a young offender be transferred to prison to serve the unexpired portion of their youth justice centre order as imprisonment.

Once a decision to transfer is made, the nominated Youth Justice representative will send to the nominated Corrections Victoria representative information relating to:

- > offending history
- > risk assessments, including any conducted to assess risk of harm to self or others

- > prevalence of behaviours that could pose a risk to staff and others
- > family background and current circumstances
- > psychological assessments
- > young person's behaviour, including details of incidents while in prison
- > strategies or behaviour management plans that have been used to manage the young person
- > information about the young person's level of vulnerability
- > young person's education level and involvement in programs, including level of participation
- > any special needs, such as medical problems, drug/alcohol abuse, mental health issues, disabilities and cultural responsiveness
- > information required to avoid a serious and immediate threat to an individual's life, health, safety or welfare, including allergies, medication needs and any other medical alerts
- > any other documentation that is considered relevant to the case management, safety or wellbeing of the individual.

5.3 Notification of young persons under 18 years of age in custody

Corrections Victoria will notify Youth Justice of any young offender under 18 years of age entering prison. Youth Justice will ascertain whether the young person is a current Child Protection client and, if so, ensure that Child Protection is advised of the young person's situation.

This will enable the exchange of information between the departments and collaboration regarding the management of young persons in custody.

Should a young person in prison, who is under 18 years of age, be separated into a management or high security unit, Corrections Victoria, Sentence Management Branch will notify the Chief Practitioner, Child Protection and Youth Justice, Department of Human Services.

6. JOINT RESPONSIBILITIES AND RECIPROCAL EXCHANGE OF INFORMATION BETWEEN YOUTH JUSTICE AND CORRECTIONS VICTORIA

Youth Justice and Corrections Victoria will work in a spirit of cooperation at all levels to ensure the development of a culture of respect, maximising both the learnings from each other and the opportunity for positive outcomes for young adults in both services.

In all cases, both services will respond to requests for information in a timely manner.

6.1 Supervised bail/deferral of sentencing for young offenders

Where the court has requested a pre-sentence assessment be undertaken by Youth Justice and CCS during a period of supervised bail or deferral of sentence, the Youth Justice worker and the CCS court assessment officer will undertake regular liaison and exchange of information as required.

In cases where the young person is already under the supervision of Youth Justice or CCS, and the offences before the court do not contravene their order, the court may request a progress report concerning the young person's progress on their order from the relevant case managers.

As necessary, the Youth Justice worker will prepare a pre-sentence or progress report following involvement with the young person on supervised bail or deferral of sentence.

Where requested by the court, the CCS court assessment officer will prepare a pre-sentence report.

Once it is known which service will have future or ongoing involvement with the young person, copies of reports relating to the supervised bail/deferral period will be exchanged.

The agency involved with the young person will prepare a breach report (Youth Justice) or a Contravention Report and prosecution brief (CCS) where it is proven that the offences before the court breach the young person's order.

6.2 Process for pre-sentence assessments

Where the court has requested that a pre-sentence assessment for both a youth justice centre order and CCO be undertaken:

- > Youth Justice worker will be responsible for undertaking the assessment and making recommendations on the suitability of the young person for a youth justice centre order.
- > CCS court assessment officer will be responsible for undertaking the assessment and making recommendations about the suitability of any proposed CCO.
- > A joint assessment may be undertaken by the Youth Justice worker and the CCS court assessment officer. A decision to conduct a joint assessment should be undertaken on a case-by-case basis. This approach may be of benefit when timelines are very limited or the young person is currently being held in police cells.

To assist in the preparation of pre-sentence reports, key information informing the assessment and recommendations will be exchanged between Youth Justice and Corrections Victoria.

Individual reports to the court should be submitted by the Youth Justice worker and the CCS court assessment officer.

6.3 Case management of dual order clients

When it becomes known that a young person is also subject to supervision of the other service, the officer must notify the nominated officer from the other service and advise of the details of the young person's involvement. Both services must note on the respective young person's file that the young person is also a client of the other service and the details of that involvement.

When either service concludes their involvement with a dual client, they should advise the other service immediately.

Ongoing liaison between the two services should occur as necessary on a case-by-case basis to enhance case management and reduce the young person's risk of harm to themselves or the community. Where appropriate, this may include consultation regarding program requirements of the respective orders and collaborative case planning.

6.4 Transfer of health information between health service providers in the instance of transfer between YJC and adult prison

It is recognised that poor health care transfer processes are associated with delayed or loss of continuity of health care, duplication of services, increased costs and adverse health events. More formal health transfer requirements will assist in the transfer of information and professional responsibility and accountability for prisoner health care.

Health information may be provided on a 'need to know' basis:

- > with the consent of the prisoner, or
- > in the interest of the prisoner's welfare, or
- > where to maintain confidentiality may jeopardise the safety of others or the good order and security of the prison.

To ensure the continuum of care, upon transfer of a young person from a youth justice centre to prison, or from prison to a youth justice centre, a health information transfer form will be provided from health provider to health provider in a timely manner and include the following:

- > medical history/co-morbidities, including allergies, alcohol and other drug use and current medical problems
- > medical alerts
- > mental health history and disability
- > current care plan, including current medical referrals and appointments
- > current medications and adverse medication events
- > risk factors, including blood borne virus status
- > immunisation status
- > family and social history where required for facilitating care
- > investigation results, including any pending results
- > health service provider name and contact details.

The *Health Records Act 2001* regulates the disclosure of health information. Any transfer of health information should comply with the health privacy principles outlined under that Act. Recent amendments to the Corrections Act allow for the disclosure of health information to the Department of Human Services if the information is reasonably necessary to ensure proper care of a person who is likely to be provided with services by or on behalf of the department.

6.5 Privacy and confidentiality

The Health Records Act and the *Information Privacy Act 2000* govern the management and exchange of personal and health-related information in Victoria. The Health Records Act deals with health information and the Information Privacy Act covers all other legal and personal information. Information sharing must be consistent with the principles outlined in Schedule 1 of both Acts.

Representatives from Youth Justice and Corrections Victoria are authorised to exchange relevant confidential information to the extent necessary to perform official duties, powers or functions of their role and ensure the proper care of the young person. Representatives from both organisations should endeavour to maintain good practice standards and advise the young person when information has been shared, even where consent was not necessary.

Youth Justice and Corrections Victoria undertake to securely hold all information exchanged at all times.

6.6 Review

The parties agree that the terms of this MoU will be subject to biennial review, or as determined by both parties.

At the biennial review the parties shall:

- > review the purpose, currency and outcomes of this MoU
- > discuss and resolve any issues or concerns of the parties.

6.7 Dispute resolution

All disputes between the parties shall be resolved in the first instance by good faith negotiations between the nominated representatives at the case manager level.

If that should fail, such disputes will be referred to the appropriate CCS Regional General Manager, and with the Area Assistant Director/Manager, Individual and Family Support, Department of Human Services. See accompanying list of Youth Justice Service and Corrections nominated representatives on your intranet for contact details.

If not resolved at this level, the matter should then be referred to the Senior Project Officer, Operations Division, Corrections Victoria (phone: 8684 6676) and Manager, Operations and Practice, Youth Justice and Disability Forensic Unit, Department of Human Services (phone: 9096 7803).

Despite the existence of a dispute, each party will (unless requested not to do so in writing by the other party) continue to perform its obligations under this MoU.

6.8 Term

This MoU is ongoing unless either party seeks to amend or cancel the MoU.

