

NSW Child Protection Act - Relevancy and Application



■ Legislative basis

Children's Contact Services in NSW operate in line with the Children and Young Persons (Care and Protection) Act 1998

This Act provides the legal framework for protecting children and young people from harm and guides how services must prioritise child safety during supervised or supported contact.

🟡 Child-centred focus

The best interests, safety, welfare, and wellbeing of the child are paramount.

Contact services must ensure all visits and changeovers are safe, emotionally supportive, and developmentally appropriate.

A child's views should be heard and considered, where appropriate to age and capacity.

■ Safety and risk management

Services must assess and manage identified and emerging risks during contact.

Contact may be modified, paused, or terminated if safety concerns arise.

Staff must remain neutral, vigilant, and child-focused at all times.

Services do not investigate abuse allegations but must respond to risk indicators.

■ Mandatory reporting & information sharing

Staff are required to report to DCJ if they suspect a child is at Risk of Significant Harm (ROSH).

Reports are made regardless of court orders, parental agreements, or service neutrality.

Information relevant to child safety may be lawfully shared with DCJ, Police, or the Children's Court when required.

■ Contact arrangements

Contact must comply with:

Court Orders

Parenting Plans

Child Protection directives

Services support contact only to the extent it is safe and consistent with the Act.

The Act supports supervised, supported, or no contact depending on risk.

Interaction with courts and DCJ

Children's Contact Services may provide:

Session summaries (factual, non-opinion based)

Attendance confirmations

Services must not make recommendations about custody or care arrangements unless legally required.

The Act supports collaboration with DCJ while maintaining service boundaries.

Records and confidentiality

Accurate, objective records must be kept.

Confidentiality applies, except where disclosure is required to protect a child or comply with the Act.

Records may be subpoenaed by the Children's Court.

What the Act means in practice for a Contact Service

- ✓ Child safety overrides adult conflict
- ✓ Neutral supervision does not override reporting duties
- ✓ Contact is not a right if it places a child at risk
- ✓ Services act as protective, not therapeutic or investigative, environments