



NEW SOUTH WALES

CLIENT ACCESS TO RECORDS POLICY AND PROCEDURE

BACKGROUND

As an organisation approved to conduct relationship and family counselling under the Family Law Act (1975), Relationships Australia (NSW) received the major portion of its funding for relationships counselling from the Commonwealth Government. With the introduction of the Family Law Act (1975), it was recognised that, in order to encourage people in the community to utilise relationship counselling services fully and effectively, they needed to feel safe in discussing personal issues, and to be assured that anything said during a counselling interview remained confidential and could not be used against them at a later date by any person or in evidence in the Family Court. Thus, the Family Law Act (1975) requires all relationship counsellors/mediators to work under an oath or affirmation not to divulge any information, concerning clients, and states that evidence of what was said in a counselling interview is inadmissible as evidence in the Family Law Court.

PROCEDURE

1. Relationships Australia (NSW) ensures that confidentiality is maintained and requires that clinical and administrative staff respect this requirement (see Privacy and Confidentiality Policy & Procedures and Code of Conduct Policy & Procedures).
2. Files and file contents remain the property of Relationships Australia (NSW) and must not be removed from the premises, except for transportation between branch centres by a staff member.
3. Clients have the right to view their records in specified circumstances. Client records are coded according to our data management procedures, respecting privacy, confidentiality and security. We ask that clients put in writing requests to view records, with an explanation as to the reason for this request. As many of our services are funded under the Family Law Act (1975) there are legislative restrictions on the copying of information collected on provision reports. This would occur on our premises with a designated staff member present.
4. Clients cannot view notes that do not pertain to their own counselling or mediation session and for couple sessions they must provide written permission from their partner.
5. Access to information may also be denied if we assess that there is an immediate threat to the health, life or safety of a person/child. A reason will be given for denial of access.