

# Information Sharing under the Domestic and Family Violence Act

## What is the Information Sharing scheme?

In November 2018 amendments to the *Domestic and Family Violence Act NT* (the Act) were passed to allow Information Sharing Entities (ISEs) to share information to protect people from serious threats due to domestic and family violence (DFV).

The new laws aim to remove barriers between services so they can work together to:

- improve safety for victims of DFV;
- facilitate timely action from services;
- facilitate referrals between services;
- enable service collaboration; and
- prevent victims having to retell their stories over and over.

## When does the scheme take effect?

The scheme will commence in August 2019.

## Can information be shared without consent?

An ISE should obtain consent before sharing information unless it is not safe, possible or practical to do so.

However, under the new laws, information can be shared without consent if the ISE believes that:

- a person fears or is experiencing DFV; and

- the information may help the receiving ISE to assess, lessen or prevent a serious threat to a person's life, health, safety or welfare because of DFV.

## Who can share information?

Under the Act, certain government departments are prescribed as ISEs. These include those who provide adult correctional, youth justice, child protection, disability, education, police, housing, public health, community and domestic violence related services. In addition, a court or tribunal and principals of non-government schools are prescribed as ISEs. Anyone who works for an ISE and whose duties include DFV risk assessments or DFV risk management, or anyone who is authorised to be an information sharer by the ISE, is covered by the Act.

## When may ISEs share information?

An ISE may share information on its own initiative or on request from another ISE. An ISE must give the information to an ISE that requests it in order to help it assess, lessen or prevent a serious threat because of DFV.

ISEs must ensure that information shared about an Aboriginal person is done in a culturally safe and sensitive way, and in a way that considers that person's family and community connections. They should also take into account a person's cultural, sexual and gender identity and religious faith.

## Are there limits to information sharing?

Information can only be shared between ISEs if it is necessary to assess, lessen or prevent a serious threat to a person's life, health safety or welfare because of domestic violence.

Information must not be shared if it could endanger a person's life or physical safety, or if sharing is prohibited.

There are penalties for anyone who discloses confidential information in a way that is not authorised by the new laws.

## What about existing information sharing and mandatory reporting laws?

There are already a number of ways that organisations might share information without consent in order to keep people safe.

These have not been changed by the new laws.

These include:

- mandatory reporting of DFV to police, which applies to all adults in the NT;
- mandatory reporting to Territory Families (or police in an emergency) of child harm, exploitation or sexual abuse;
- information sharing between prescribed Information Sharing Authorities in relation to the safety and well-being of a child, under the *Care and Protection of Children Act*;
- permitted sharing of confidential information under Information Privacy Principles.

## What do ISEs need to do?

Territory Families is preparing guidelines for ISEs to provide information on how to comply with the laws. ISEs must comply with these guidelines.

Territory Families will also be developing a framework for family violence risk assessment and management. ISEs must ensure that their policies, procedures, and tools align with this framework once it is developed.

A range of tools and resources will also be available to help ISEs understand their obligations and ensure information is shared in an appropriate and safe way.

ISEs will need to begin the process of updating and aligning their policies, procedures and tools, to reflect their new responsibilities under the information sharing scheme as well as the risk assessment framework, once it is available.

## What if my organisation is not an ISE?

Any other person or entity that provides a domestic violence related service (for example, a non-government domestic and family violence service) may become an ISE if the Minister is satisfied that they will comply with their obligations under the Act.

## How do I find out more?

Contact the Office of Domestic, Family and Sexual Violence Reduction Policy in Territory Families on (08) 89357803 or email:

[TF.DomesticViolenceDirectorate@nt.gov.au](mailto:TF.DomesticViolenceDirectorate@nt.gov.au)