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Ms Ngaree Ah Kit
Chairperson
Social Policy Scrutiny Committee
GPO Box 3721
DARWIN NT 0810

Email: SPSC@nt.gov.au

Dear Ms Ah Kit

Re: Domestic and Family Violence (Information Sharing) Bill

Thank you for the extension provided to our agency to allow for some consideration of the Domestic and Family Violence (Information Sharing) Bill (the Bill) and to organise an information session from the Department of Attorney General and Justice to the NT Health Domestic Family and Sexual Violence Advisory Group (including managers of the Sexual Assault Referral Centres) and to our Information and Privacy officers.

Following this information session our agency concerns can be summarised as there being a lack of:

- Consultation regarding the Bill. An intended discussion paper prior to the introduction of the Bill was not circulated. Opportunities for further information sessions with a range of government and non-government stakeholders would allow for greater transparency and more informed deliberation.
- Justification for the Bill. NT Health acknowledges there are grave consequences related to poor information sharing practices. However, we note that the Family Safety Framework (FSF) currently in place allows government and non-government agencies to use a shared risk assessment tool to determine levels of risk; to share information accordingly; and to collaboratively manage risk. Improvements to the FSF, and to information sharing related to domestic, family and sexual violence more broadly, could be achieved by increasing FSF capacity as well as improved training, systems, processes and governance. These actions would not need legislative change.
- NT Health notes that in the submission to the Scrutiny Committee, the Information Commissioner refers to possible information sharing limitations posed by the current Information Privacy Principle 2.1(d)(i). The Information Commissioner suggests this principal could be amended to describe 'a serious OR imminent threat' as opposed to a 'serious AND imminent threat' as a threshold for information sharing about domestic family and sexual violence. NT Health would support such an amendment.
- Safeguards in the Bill against agencies or individuals "fishing" for information from NT Health and/or other agencies. For example, as the largest government agency with the greatest volume of service, NT Health receive numerous daily requests for information from external government

and non-government agencies seeking client information such as discharge summaries or admission details. This could result in sensitive information not pertinent to the domestic or sexual violence issue being made available.

- Safeguards in the Bill for forwarding of information once it has been released. For example NT Health may provide information to one agency that is then shared with multiple other agencies without NT Health's knowledge or permission.
- Detail provided about regulations and guidelines accompanying the Bill and accompanying information sessions and training for stakeholders.

NT Health notes that the concerns raised here are shared in submissions to the Committee from the Information Commissioner, the NT Legal Aid Commission, the NT Council of Social Services and the Central Australian Women's Legal Service.

NT Health recommends that:

- The suggestion from the Information Commissioner of a change to the wording of the current Information Privacy Principle 2.1(d)(i) is accepted.
- The Committee note that when the Bill is passed, a high level group of key government and non-government stakeholders will be convened to ensure subordinate legislation related to the legislative amendment meets the intention of improving information sharing while safeguarding individual privacy and wellbeing.

Should you require any further information regarding the above information, please contact Ms Megan Howitt, Strategy Policy and Planning Branch on 8985 8018 or at megan.howitt@nt.gov.au.

Yours sincerely



Professor Catherine Stoddart

February 2018

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