

29 January 2018

Committee Secretary  
Department of the Legislative Assembly  
GPO Box 3721  
DARWIN NT 0801

*By email to: Julia.Knight@nt.gov.au*

Dear Ms Knight,

### **Review of Domestic and Family Violence Amendment (Information Sharing) Bill 2017**

Thank you for inviting comment on the draft Bill entitled Domestic and Family Violence Amendment (Information Sharing) Bill 2017. The Central Australian Women's Legal Service ("CAWLS") welcomes the opportunity to make comment on the Bill.

#### About CAWLS

CAWLS is a non-profit organisation providing free and confidential legal assistance to women in Central Australia and the Barkly Region. CAWLS offers legal assistance, advocacy, advice and referral; and community legal education. We assist our clients with legal issues including but not limited to: domestic and family violence; family law issues including children, property, maintenance and child support; crime victims assistance applications, motor vehicle accident claims and workplace claims; child protection; sexual assault; discrimination; employment Law; housing & tenancy; and credit & debt matters.

#### Our submission

As an advocate for law and policy that respects and endorses the rights of women, CAWLS seeks to ensure that every client's experience is validated and that they are empowered to utilise the legal system to their benefit. Whilst CAWLS supports all efforts made to improve the responsiveness to disclosures of family violence, it is in our experience that information sharing is a multifaceted issue which requires careful consideration. The following points outline our concerns in relation to the proposed amendments:

- Information sharing relies on the accuracy of information provided. The proposed amendments do not provide adequate mechanisms for victims or defendants to correct information that is not accurate.
- Evidence shows that statements given by victims affected by trauma may provide a different story in a heightened state to when they have calmed down and can provide clarity around the incident.
- CAWLS holds concerns around women who are defendants to DVO's who are primary victims of domestic violence in first instance. Where inaccurate information is shared, this may put victims at further risk. The efficacy of information sharing relies on the accuracy of that information.
- Safety of victims: CAWLS believes that there is a real possibility of putting women at risk if they are not aware of the personal information that is being shared. It is

important that, wherever possible, domestic violence victims are made aware that information sharing is taking place.

- We suggest that the term 'serious threat' should be more clearly defined in order to avoid confusion and provide greater clarity for information sharing entities when making assessments about whether information should be shared.
- Conflict of interest issues in the way information can be disclosed without adequate checks and balances in relation to privacy.
- The onus appears to be on the agency that refuses to provide information to set out their reasons in writing. CAWLS believes that the onus should be on the agency requesting the information so that this can be shared with the client in first instance to ask or obtain consent and/or minimise what information to share subject to s124G.

### Conclusion

CAWLS broadly supports the concept of information sharing for the purpose of providing greater protection to victims of domestic violence. However, information sharing must be balanced with the need to empower clients to make decisions in relation to their own safety. It is also important that clients' trust in their legal representative be maintained. While streamlined information sharing has clear benefits, we are concerned to ensure that this is not at the expense of a client's trust in their lawyer and does not prevent clients from seeking legal assistance for fear that their information will be widely shared.

We suggest that information sharing entities should be required to provide specific details in writing in relation to their requests for information and the grounds on which they have concern for a client's safety. This would enable the entity from which the information is being sought to make an assessment as to whether the request falls within the limits set out in s124G of the Act.

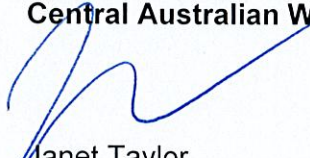
CAWLS believes that further consultation is required in order for the Bill to be fit for purpose. Once this has occurred; we welcome the opportunity to provide a more comprehensive comment. In this regard more time should have been made available for consultation given Christmas and summer holidays.

We would strongly recommend that prior to the passing of this legislation, stakeholders are provided with a copy of the administrative guidelines to enable a more robust discussion around the practical operation of the proposed legislation.

We appreciate the opportunity to make this submission. Should you require further information, please do not hesitate to contact the writer on (08) 8952 4055.

Yours Sincerely

**Central Australian Women's Legal Service.**



Janet Taylor  
Managing Principal Solicitor