

Authorised Version

Family Violence Protection Amendment (Information Sharing) Act 2017

No. 23 of 2017

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Authorised Version



Victoria

Family Violence Protection Amendment (Information Sharing) Act 2017[†]

No. 23 of 2017

[Assented to 14 June 2017]

The Parliament of Victoria enacts:

Part 1—Preliminary

1 Purpose

The main purpose of this Act is to amend—

- (a) the **Family Violence Protection Act 2008**—
 - (i) to establish an information sharing scheme designed to enable specified entities to share family violence information in a timely and effective manner such that it prevents or reduces family violence; and

- (ii) to provide for a framework for achieving consistency in family violence risk assessment and family violence risk management; and
- (b) to make consequential and miscellaneous amendments to other Acts.

2 Commencement

- (1) Subject to subsection (2), this Act (other than Division 2 of Part 5 and sections 31 and 37) comes into operation on a day or days to be proclaimed.
- (2) If a provision of this Act (other than Division 2 of Part 5 and sections 31 and 37) does not come into operation before 1 July 2018, it comes into operation on that day.
- (3) Section 28 comes into operation on the day on which section 16(1) of the **Freedom of Information Amendment (Office of the Victorian Information Commissioner) Act 2017** comes into operation.
- (4) Section 29 comes into operation on the day on which section 17 of the **Freedom of Information Amendment (Office of the Victorian Information Commissioner) Act 2017** comes into operation.
- (5) Section 30 comes into operation on the day on which section 40 of the **Freedom of Information Amendment (Office of the Victorian Information Commissioner) Act 2017** comes into operation.

- (6) Section 31 comes into operation on the later of—
- (a) the day on which section 7 comes into operation; or
 - (b) the day on which section 6 of the **Children Legislation Amendment (Reportable Conduct) Act 2017** comes into operation.
- (7) Section 37 comes into operation on the later of—
- (a) the day on which section 7 comes into operation; or
 - (b) the day on which section 101 of the **Medical Treatment Planning and Decisions Act 2016** comes into operation.

3 Principal Act

In this Act, the **Family Violence Protection Act 2008** is called the Principal Act.

Part 2—Amendment of Family Violence Protection Act 2008

Division 1—Definitions

4 Definitions

In section 4 of the Principal Act—

- (a) **insert** the following definitions—

"Administrative Office Head has the same meaning as in section 4(1) of the **Public Administration Act 2004**;

public entity has the same meaning as in section 4(1) of the **Public Administration Act 2004**;

public service body has the same meaning as in section 4(1) of the **Public Administration Act 2004**;"

- (b) in the definition of *Secretary*, after "means" **insert** "(other than in Part 11)".

Division 2—Information sharing

5 How purpose is to be achieved

After section 2(a) of the Principal Act **insert**—

- "(ab) providing for the sharing of information that is relevant to assessing and managing a risk of family violence; and".

6 Definitions

In section 4 of the Principal Act, **insert** the following definition—

"information sharing entity has the meaning set out in section 144D;"

7 New Part 5A of Principal Act inserted

After Part 5 of the Principal Act insert—

"Part 5A—Information sharing

Division 1—Preliminary

144A Definitions

In this Part—

Central Information Point has the meaning set out in section 144O;

CIP data custodian has the meaning set out in section 144F;

CIP purpose has the meaning set out in section 144OA;

CIP request has the meaning set out in section 144OC;

CIP requester means an information sharing entity or a class of information sharing entity declared under section 144G;

confidential information means—

- (a) health information; or
- (b) personal information, including sensitive information; or
- (c) unique identifiers; or
- (d) identifiers;

consent means express or implied consent;

excluded information has the meaning set out in section 144C;

family violence assessment purpose means the purpose of establishing or assessing the risk of—

- (a) a person committing family violence; or
- (b) a person being subjected to family violence;

family violence protection purpose means the purpose of managing a risk of—

- (a) a person committing family violence and includes the ongoing assessment of the risk of the person committing family violence; or
- (b) a person being subjected to family violence and includes the ongoing assessment of the risk of the person being subjected to family violence;

handling, in relation to confidential information, has the meaning set out in section 3 of the **Privacy and Data Protection Act 2014** in relation to personal information;

health information has the meaning set out in section 3(1) of the **Health Records Act 2001**;

identifier has the meaning set out in section 3(1) of the **Health Records Act 2001**;

information sharing entity has the meaning set out in section 144D;

linked person means any person whose confidential information is relevant to a family violence assessment purpose or family violence protection purpose other than a person who—

- (a) is a primary person; or
- (b) is a person of concern; or
- (c) is alleged to pose a risk of family violence;

person of concern has the meaning set out in section 144B;

personal information has the meaning set out in section 3 of the **Privacy and Data Protection Act 2014**;

primary person has the meaning set out in section 144E;

protection entity means an information sharing entity that is prescribed to be a protection entity for the purposes of section 144D(2)(b);

risk assessment entity means an information sharing entity that is prescribed to be a risk assessment entity for the purposes of section 144D(2)(a);

sensitive information has the meaning set out in Schedule 1 to the **Privacy and Data Protection Act 2014**;

unique identifier has the meaning set out in Schedule 1 to the **Privacy and Data Protection Act 2014**.

144B Meaning of *person of concern*

- (1) In this Part, a person is a *person of concern* if an information sharing entity reasonably believes that there is a risk that the person may commit family violence.
- (2) Without limiting subsection (1), a respondent may be a person of concern.

144C Meaning of *excluded information*

In this Part, confidential information is *excluded information* if the collection, use or disclosure of that information could be reasonably expected to—

- (a) endanger a person's life or result in physical injury; or
- (b) prejudice the investigation of a breach or possible breach of the law or prejudice the enforcement or proper administration of the law in a particular instance; or
- (c) prejudice a coronial inquest or inquiry; or
- (d) prejudice the fair trial of a person or the impartial adjudication of a particular case; or
- (e) disclose the contents of a document, or a communication, that is of such a nature that the contents of the document, or the communication, would be privileged from production in legal proceedings on the ground of legal professional privilege or client legal privilege; or

- (f) disclose, or enable a person to ascertain, the identity of a confidential source of information in relation to the enforcement or administration of the law; or
- (g) contravene a court order or a provision made by or under this Act or any other Act that—
 - (i) prohibits or restricts, or authorises a court or tribunal to prohibit or restrict, the publication or other disclosure of information for or in connection with any proceeding; or
 - (ii) requires or authorises a court or tribunal to close any proceeding to the public; or
- (h) be contrary to the public interest.

144D Meaning of *information sharing entity*

- (1) In this Part, *information sharing entity* means a person or body prescribed, or a class of person or body prescribed, to be an information sharing entity for the purposes of this Part.
- (2) An information sharing entity may be prescribed to belong to any of the following categories—
 - (a) risk assessment entity;
 - (b) protection entity;
 - (c) any other category of entity specified in the regulations.
- (3) An information sharing entity referred to in subsection (2) must only share confidential information to the extent permitted by this

Part or the regulations for the category of information sharing entity to which the information sharing entity belongs.

- (4) For the avoidance of doubt, if a provision of this Part or the regulations does not specify that it applies to a category of information sharing entity, then the provision applies to all information sharing entities.

144E Meaning of *primary person*

- (1) In this Part, a person is a *primary person* if an information sharing entity reasonably believes that there is a risk that the person may be subjected to family violence.
- (2) Without limiting subsection (1), any of the following persons may be a primary person—
- (a) an affected family member;
 - (b) a child;
 - (c) a protected person.

144F Meaning of *CIP data custodian*

In this Part, *CIP data custodian* means an information sharing entity prescribed, or a class of information sharing entity prescribed, to be a CIP data custodian for the purposes of this Act.

144G Meaning of *CIP requester*

- (1) The Minister may declare, in writing, an information sharing entity, or a class of information sharing entity, to be a *CIP requester* for the purposes of this Act.
- (2) A declaration under subsection (1) is not a legislative instrument within the meaning of the **Subordinate Legislation Act 1994**.

144H Objects of Part

The objects of this Part are—

- (a) to provide for the sharing of confidential information between specified persons and bodies for the purposes of establishing, assessing and managing risks of family violence; and
- (b) to promote the coordination of services by those persons and bodies to further the purposes of the Act; and
- (c) to enable certain information sharing entities to obtain consolidated and updated information from a central information point for the purposes of establishing, assessing and managing risks of family violence.

144I Application of this Part to Courts

If any of the following persons or bodies are prescribed to be information sharing entities, nothing in this Part applies to the collection, use or disclosure of confidential information by those persons or bodies in relation to, or for the purposes of, their judicial or quasi-judicial functions—

- (a) a court or tribunal;
- (b) the holder of a judicial or quasi-judicial office or other office pertaining to a court or tribunal in their capacity as the holder of that office;
- (c) a registry or other office of a court or tribunal;
- (d) the staff of such a registry or other office in their capacity as members of that staff.

144J Principles

- (1) The principles set out in this section should be used for guidance in relation to the collection, use or disclosure of confidential information that is authorised or required to be collected, used or disclosed under this Part.
- (2) Information sharing entities should—
 - (a) work collaboratively to coordinate services in a manner that respects the functions and expertise of each information sharing entity; and
 - (b) give precedence to the right to be safe from family violence over the right to privacy; and
 - (c) only collect, use or disclose a person's confidential information to the extent that the collection, use or disclosure of the information is necessary—
 - (i) to assess or manage risk to the safety of a person from family violence; and
 - (ii) to hold perpetrators of family violence accountable for their actions; and
 - (d) collect, use or disclose the confidential information of a person who identifies as Aboriginal or Torres Strait Islander in a manner that—
 - (i) promotes the right to self-determination and is culturally sensitive; and

- (ii) considers the person's familial and community connections; and
 - (e) have regard to and be respectful of a person's cultural, sexual and gender identity and religious faith.
- (3) In addition to the principles set out in subsection (2), when collecting, using and disclosing confidential information relating to a child to assess any risk to the safety of the child from family violence or to protect the child from family violence, information sharing entities should—
 - (a) promote the agency of the child and other family members at risk of family violence by ensuring their wishes are taken into account having regard to the appropriateness of doing so and the child's age and maturity; and
 - (b) if the collection, use and disclosure of that information includes the confidential information of other family members at risk of family violence, take all reasonable steps to ensure the information is collected, used and disclosed in a way that—
 - (i) plans for the safety of those family members at risk of being subjected to family violence; and
 - (ii) recognises the desirability of preserving and promoting positive relationships between those family members and the child.

- (4) The Parliament does not intend these principles—
- (a) to create in any person any legal right or give rise to any civil cause of action; or
 - (b) to affect in any way the interpretation of any Act or law in force in Victoria.

Division 2—Information sharing for family violence assessment purpose

144K Application of Division to confidential information of certain persons

This Division applies to the confidential information of any of the following persons—

- (a) a primary person;
- (b) a person of concern;
- (c) a person who is alleged to pose a risk of family violence;
- (d) a linked person.

144KA Voluntary disclosure for family violence assessment purpose

An information sharing entity may disclose confidential information to a risk assessment entity for a family violence assessment purpose if the confidential information—

- (a) is not excluded information; and
- (b) is permitted to be disclosed under Division 5.

144KB Request for information sharing for family violence assessment purpose

- (1) A risk assessment entity (a *requesting entity*) may request an information sharing entity (a *responding entity*) to disclose confidential information to the requesting entity for a family violence assessment purpose.
- (2) In making a request under this section, a requesting entity may provide the responding entity with any confidential information that may assist the responding entity to—
 - (a) identify the confidential information held by the responding entity that is relevant to the request; and
 - (b) determine whether to disclose the confidential information.
- (3) A responding entity that does not comply with a request made under this section must provide, in writing, the requesting entity with the reason for the failure to comply with the request.

144KC Obligation to disclose for family violence assessment purpose

- (1) Subject to subsection (2), an information sharing entity must disclose confidential information to a risk assessment entity that has requested the information for a family violence assessment purpose if the confidential information—
 - (a) is not excluded information; and
 - (b) is permitted to be disclosed under Division 5.

- (2) This section does not apply to any person or body specified in section 144I that has been prescribed to be an information sharing entity.

144KD Collection and use of confidential information for family violence assessment purpose

A risk assessment entity may collect or use any confidential information disclosed to the risk assessment entity under this Division for a family violence assessment purpose.

Division 3—Information sharing for family violence protection purpose

144L Application of Division to confidential information of certain persons

This Division applies to the confidential information of any of the following persons—

- (a) a primary person;
- (b) a person of concern;
- (c) a linked person.

144LA Voluntary disclosure for family violence protection purpose

An information sharing entity may disclose confidential information to another information sharing entity for a family violence protection purpose if the confidential information—

- (a) is not excluded information; and
- (b) is permitted to be disclosed under Division 5.

144LB Request for information sharing for family violence protection purpose

- (1) An information sharing entity (a *requesting entity*) may request another information sharing entity (a *responding entity*) to disclose confidential information to the requesting entity for a family violence protection purpose.
- (2) In making a request under this section, a requesting entity may provide the responding entity with any confidential information that may assist the responding entity to—
 - (a) identify the confidential information held by the information sharing entity that is relevant to the request; and
 - (b) determine whether to disclose the confidential information.
- (3) A responding entity that does not comply with a request made under this section must provide, in writing, the requesting entity with the reason for the failure to comply with the request.

144LC Obligation to disclose for family violence protection purpose

- (1) Subject to subsection (2), an information sharing entity (a *responding entity*) must disclose confidential information to another information sharing entity (a *requesting entity*) that has requested the information for a family violence protection purpose if—
 - (a) the responding entity reasonably believes that the disclosure of the relevant information to the requesting entity is necessary for a family violence protection purpose; and

- (b) the confidential information is not excluded information; and
 - (c) the confidential information is permitted to be disclosed under Division 5.
- (2) This section does not apply to any person or body specified in section 144I that has been prescribed to be an information sharing entity.

144LD Collection and use of confidential information for family violence protection purpose

An information sharing entity may collect or use any confidential information disclosed to the information sharing entity under this Division for a family violence protection purpose.

Division 4—Information sharing with primary persons

144M Voluntary disclosure to primary person

- (1) An information sharing entity may disclose confidential information about a person of concern to a primary person for a family violence protection purpose if the confidential information is not excluded information.
- (2) An information sharing entity may disclose confidential information about a person of concern to any of the following persons if the primary person is a child and the confidential information is not excluded information—

- (a) the child;
- (b) a person who is a parent of the child, other than a person who is a person of concern in relation to the child.

144MA Primary person not to disclose confidential information other than for reasons of safety

A person who has been given confidential information under section 144M must not use or disclose that information except for the purposes of managing the primary person's risk of being subjected to family violence.

Division 5—Consent

144N Consent of person of concern and certain other persons not required

- (1) For the purposes of this Part, an information sharing entity may collect, use and disclose confidential information about a relevant person without the consent of the relevant person.
- (2) In this section—
relevant person means—
 - (a) a person of concern; or
 - (b) a person who is alleged to pose a risk of family violence.

144NA Consent of primary person who is an adult

For the purposes of this Part, an information sharing entity must not collect, use or disclose confidential information about a primary person who is an adult unless—

- (a) the primary person consents to the collection, use or disclosure of the confidential information by the information sharing entity; or
- (b) the information sharing entity reasonably believes that the collection, use or disclosure of the confidential information is necessary to lessen or prevent a serious threat to an individual's life, health, safety or welfare.

Note

See section 144Q.

144NB Consent of linked person

For the purposes of this Part, an information sharing entity must not collect, use or disclose confidential information about a linked person unless—

- (a) the linked person consents to the collection, use or disclosure of the confidential information by the information sharing entity; or
- (b) the information sharing entity reasonably believes that the collection, use or disclosure of the confidential information is necessary to lessen or prevent a serious threat to an individual's life, health, safety or welfare.

Note

See section 144Q.

144NC Consent not required if primary person is a child

- (1) For the purposes of this Part, an information sharing entity may collect, use and disclose confidential information about a primary person who is a child without the consent of any person if—
 - (a) the collection, use or disclosure is for a family violence protection purpose relating to a primary person who is a child; or
 - (b) the collection, use or disclosure is for, or made to a risk assessment entity for, a family violence assessment purpose relating to a primary person who is a child.

Note

An information sharing entity must comply with guidelines issued under section 144P(1) relating to child consent to the collection, use or disclosure of confidential information about the child.

- (2) Despite sections 144NA and 144NB, an information sharing entity may collect, use and disclose confidential information about a primary person who is an adult or a linked person (a *related person*) without the consent of that related person if that information relates to confidential information—
 - (a) about a primary person who is a child; and
 - (b) that is collected, used and disclosed for a purpose specified in subsection (1).

144ND Capacity to consent

- (1) If an information sharing entity requires the consent of a primary person or a linked person before disclosing confidential information under this Part, and that person is incapable of giving consent to the disclosure, the information sharing entity may obtain consent from that person's authorised representative unless the authorised representative is—
 - (a) a person of concern; or
 - (b) alleged to pose a risk of family violence.
- (2) For the purposes of subsection (1), a primary person or a linked person is incapable of giving consent if the person is incapable (despite the provision of reasonable assistance by another person) by reason of age, injury, disease, illness, disability, physical impairment or mental disorder of—
 - (a) understanding the general nature and effect of giving the consent; or
 - (b) communicating the consent or refusal of consent.
- (3) In this section—

authorised representative, in relation to a primary person or a linked person means a person who is—

 - (a) the primary person's or linked person's guardian; or
 - (b) an agent for the primary person or linked person within the meaning of the **Medical Treatment Act 1988**; or

- (c) an administrator or a person responsible within the meaning of the **Guardianship and Administration Act 1986**; or
- (d) otherwise empowered under law to perform any functions or duties or exercise powers as an agent of or in the best interests of the primary person or linked person;

disability has the same meaning as in the **Disability Act 2006**.

Division 6—The Central Information Point

144O Central Information Point

- (1) The Central Information Point is—
 - (a) the Secretary of the Department responsible to the Minister administering this Part; or
 - (b) if an Administrative Office Head is prescribed by the regulations—the Administrative Office Head.
- (2) The Central Information Point is not, in that capacity, an information sharing entity, even if the person who is the Central Information Point is an information sharing entity in another capacity.

144OA CIP purpose

Each of the following is a purpose of the Central Information Point (a *CIP purpose*)—

- (a) to receive and respond to CIP requests;

- (b) to provide CIP requesters and CIP data custodians with new or updated information about people in relation to whom CIP requests have at any time been made;
- (c) to do anything necessary for the above purposes.

144OB Central Information Point may handle confidential information for CIP purpose

The Central Information Point may do any or all of the following for a CIP purpose—

- (a) request and collect confidential information from a CIP requester or a CIP data custodian;
- (b) disclose confidential information to a CIP requester or a CIP data custodian;
- (c) use confidential information collected from a CIP requester or a CIP data custodian.

144OC CIP requests

- (1) A CIP requester may request the Central Information Point to disclose confidential information to it—
 - (a) if the CIP requester is a risk assessment entity—for a family violence assessment purpose; or
 - (b) in any case—for a family violence protection purpose.
- (2) A request under subsection (1) is a ***CIP request***.

144OD CIP requester may disclose information to Central Information Point

- (1) A CIP requester may, in making a CIP request, disclose confidential information to the Central Information Point.
- (2) The purpose of the disclosure must be to assist one or more CIP data custodians to—
 - (a) identify the confidential information held by the CIP data custodians that is relevant to the request; and
 - (b) determine whether to disclose the confidential information to the Central Information Point under section 144OE.

144OE CIP data custodian may disclose confidential information to Central Information Point

- (1) A CIP data custodian may disclose confidential information to the Central Information Point if—
 - (a) the Central Information Point has requested the information from the CIP data custodian for the purposes of dealing with a CIP request; and
 - (b) the CIP data custodian could have disclosed the information to the CIP requester concerned in response to a request under Division 2 or 3.
- (2) Subsection (1) does not require a CIP data custodian to disclose confidential information.

144OF CIP data custodian may disclose information to other CIP data custodians

A CIP data custodian may disclose confidential information to another CIP data custodian if—

- (a) the Central Information Point has requested confidential information from any CIP data custodian for the purposes of a CIP request; and
- (b) the disclosure relates to that CIP request; and
- (c) the CIP data custodian could have disclosed the information to the other CIP data custodian in response to a request under Division 2 or 3.

144OG CIP data custodians and CIP requesters may disclose information to Central Information Point on own initiative

A CIP data custodian or a CIP requester may, on its own initiative, disclose confidential information to the Central Information Point if—

- (a) the purpose of the disclosure is to provide the Central Information Point with updated information relevant to a previous CIP request; and
- (b) the CIP data custodian could have disclosed the information to another CIP data custodian or a CIP requester in response to a request under Division 2 or 3.

**144OH References in certain provisions to
CIP data custodians and CIP requesters**

A reference in section 144OE(1)(b), 144OF(c) or 144OG(b) to a CIP data custodian or a CIP requester is a reference to the CIP data custodian or CIP requester in its capacity as an information sharing entity.

144OI Delegation

The Central Information Point may delegate to a person any power of the Central Information Point under this Act, except this power of delegation.

**Division 7—Guidelines, protected
disclosures and recording requirements**

144P Guidelines

- (1) The Minister must issue guidelines in relation to the operation of this Part including the specification of requirements to be complied with by an information sharing entity in order to demonstrate the capacity of that information sharing entity to handle confidential information responsibly and appropriately in accordance with this Part.
- (2) Without limiting subsection (1), guidelines issued must address child consent to the collection, use or disclosure of confidential information about the child in accordance with this Part.
- (3) Before issuing guidelines under subsection (1), the Minister must publish, on an appropriate Internet site—
 - (a) a draft of the proposed guidelines; and

- (b) a statement that submissions may be made to the Minister on or before a specified date, being at least 28 days after the day on which the draft guidelines are published.
- (4) As soon as practicable after finalising draft guidelines, the Minister must publish the guidelines on an appropriate Internet site.
- (5) Subject to subsection (6), an information sharing entity must comply with any guidelines issued under this section when handling confidential information in accordance with this Part.
- (6) Subsection (5) does not apply to any person or body specified in section 144I that has been prescribed to be an information sharing entity.
- (7) Guidelines issued under subsection (1) are not legislative instruments within the meaning of the **Subordinate Legislation Act 1994**.
- (8) The Minister may review guidelines issued under subsection (1) at any time, and may issue amended guidelines as the Minister considers necessary.
- (9) If the Minister considers that an amendment to the guidelines is significant or substantial, the requirements of subsection (3) must be met before the amended guidelines may be issued.

144PA Disclosures made in good faith protected

A disclosure made by an individual under this Part in good faith and with reasonable care—

- (a) does not for any purpose constitute unprofessional conduct or a breach of professional ethics on the part of the individual by whom it was made; and
- (b) does not make the individual by whom it was made subject to any liability in respect of it; and
- (c) without limiting paragraphs (a) and (b), does not constitute a contravention by the individual of any other Act.

144PB Information sharing entity and Central Information Point recording requirements

An information sharing entity, and the Central Information Point, must record the prescribed information in respect of the information sharing entity's, or the Central Information Point's, collection, use and disclosure of confidential information in accordance with this Part and the regulations.

Division 8—Relationship of this Part with other Acts

144Q Part does not affect handling of information permitted by other Acts

This Part does not affect the collection, use or disclosure of confidential information by an information sharing entity or the Central Information Point that would otherwise be permitted by or under the **Privacy and Data Protection Act 2014**, the **Health Records Act 2001** or this Act or any other Act.

144QA Access to confidential information under privacy laws restricted where risk to safety from family violence

- (1) An information sharing entity may refuse to give an individual access to that individual's confidential information under a relevant privacy law if—
 - (a) the individual is a person of concern or a person who is alleged to pose a risk of committing family violence; and
 - (b) the information sharing entity believes on reasonable grounds that giving the individual access to the information would increase the risk to a primary person's safety from family violence.
- (2) In this section—

relevant privacy law means—

 - (a) the **Health Records Act 2001**; or
 - (b) the **Privacy and Data Protection Act 2014**; or
 - (c) the Privacy Act 1988 of the Commonwealth; or
 - (d) the Privacy Act 1988 of the Commonwealth applied as a law of Victoria by another Act.

144QB Application of Privacy and Data Protection Act 2014 to certain information sharing entities

- (1) This section applies to an information sharing entity that is not—
 - (a) an organisation within the meaning of the **Privacy and Data Protection Act 2014**; or

(b) subject to the Privacy Act 1988 of the Commonwealth, or that Act as applied as a law of Victoria by any other law.

- (2) The **Privacy and Data Protection Act 2014** applies to the handling of personal information or unique identifiers by the information sharing entity under this Part as if the entity were an organisation within the meaning of that Act.

144QC Information sharing entity authorised to share confidential information despite specified provisions

An information sharing entity is authorised to collect, use or disclose confidential information in accordance with this Part and the regulations despite anything to the contrary in a provision of an Act—

- (a) specified in Schedule 1; or
(b) prescribed for the purposes of this section.

144QD Disclosure of confidential information is not breach of Judicial Proceedings Reports Act 1958

Sections 3 and 4 of the **Judicial Proceedings Reports Act 1958** do not prevent a disclosure of confidential information that is made by an information sharing entity for the purposes of this Part.

144QE Exemption from Freedom of Information Act 1982 for Central Information Point

- (1) The **Freedom of Information Act 1982** does not apply to a document that is in the possession of the Central Information Point, to the extent to which the document discloses

confidential information about a primary person, a person of concern, a person alleged to pose a risk of family violence or a linked person.

- (2) In this section, *document* has the same meaning as it has in the **Freedom of Information Act 1982**.

Division 9—Offences

144R Unauthorised use and disclosure of confidential information

- (1) A person who uses or discloses confidential information in accordance with this Part must not use that information or disclose that information to another person except in accordance with this Part.

Penalty: In the case of a natural person,
60 penalty units;
In the case of a body corporate,
300 penalty units.

- (2) It is a defence to a charge under subsection (1) for the person charged to prove that the use or disclosure of the confidential information was done in good faith and with reasonable care.
- (3) Subsection (1) does not apply to the following uses and disclosures of confidential information—
- (a) a use or disclosure made with the consent of the person to whom the information relates;
 - (b) a use or disclosure made with the consent of a person (other than a person of concern or a person alleged to pose a risk of family violence) who

is a parent of the person who is a child to whom the information relates;

- (c) a disclosure made to a court or tribunal in the course of legal proceedings;
 - (d) a use or disclosure made pursuant to an order of a court or tribunal;
 - (e) a use or disclosure made to the extent reasonably required to enable the investigation or the enforcement of a law of this State or of any other State or of a Territory or of the Commonwealth;
 - (f) a disclosure made to an Australian legal practitioner for the purposes of obtaining legal advice or representation;
 - (g) a use or disclosure made as required or authorised by or under this Act or any other Act.
- (4) Subsection (1) does not apply to the use or disclosure of confidential information by a primary person who is given the confidential information under section 144M.
- (5) A person does not commit an offence against this section only for the reason that the person uses or discloses confidential information in a way that does not comply with guidelines issued under section 144P(1).

Note

Despite non-compliance not being an offence—

- (a) this does not preclude non-compliance being taken into account in dealing with a complaint made under the **Privacy and Data Protection Act 2014**, the **Health Records Act 2001** or the Privacy Act 1988 of the Commonwealth; and

- (b) non-compliance may lead to a person or body ceasing to be prescribed as an information sharing entity.

144RA Intentional or reckless unauthorised use and disclosure of confidential information

- (1) A person authorised to use or disclose confidential information in accordance with this Part must not use or disclose that information in a manner that is unauthorised under this Part and that the person—
 - (a) knows is unauthorised under this Part; or
 - (b) is reckless as to whether the use or disclosure of the information is unauthorised under this Part.

Penalty: In the case of a natural person,
600 penalty units or imprisonment
for 5 years or both;
In the case of a body corporate,
3000 penalty units.

- (2) Subsection (1) does not apply to the following uses and disclosures of confidential information—
 - (a) a use or disclosure made with the consent of the person to whom the information relates;
 - (b) a use or disclosure made with the consent of a person (other than a person of concern or a person alleged to pose a risk of family violence) who is a parent of the person who is a child to whom the information relates;
 - (c) a disclosure made to a court or tribunal in the course of legal proceedings;

- (d) a use or disclosure made pursuant to an order of a court or tribunal;
 - (e) a use or disclosure made to the extent reasonably required to enable the investigation or the enforcement of a law of this State or of any other State or of a Territory or of the Commonwealth;
 - (f) a disclosure made to an Australian legal practitioner for the purposes of obtaining legal advice or representation;
 - (g) a use or disclosure made as required or authorised by or under this Act or any other Act.
- (3) Subsection (1) does not apply to the use or disclosure of confidential information by a primary person who is given the confidential information under section 144M.
- (4) A person does not commit an offence against this section only for the reason that the person uses or discloses confidential information in a way that does not comply with guidelines issued under section 144P(1).

Note

Despite non-compliance not being an offence—

- (a) this does not preclude non-compliance being taken into account in dealing with a complaint made under the **Privacy and Data Protection Act 2014**, the **Health Records Act 2001** or the Privacy Act 1988 of the Commonwealth; and
- (b) non-compliance may lead to a person or body ceasing to be prescribed as an information sharing entity.

Division 10—Review

144S Review of operation of Part after 2 years of operation

- (1) The Minister must cause an independent review to be conducted of the first 2 years of operation of this Part.
- (2) The Minister must cause a copy of the review to be laid before each House of the Parliament within 6 months after the end of the 2 year period.
- (3) The review must include consideration of any adverse effects of this Part.
- (4) The review may include any recommendations on any matter addressed in the review.

144SA Review of operation of Part after 5 years of operation

- (1) The Minister must cause an independent review to be conducted of the 3rd to 5th years of operation of this Part.
- (2) The Minister must cause a copy of the review to be laid before each House of the Parliament within 6 months of the end of the 5th year of operation of this Part.
- (3) The review must include consideration of any adverse effects of this Part.
- (4) The review may include any recommendations on any matter addressed in the review.

8 New Division 1A inserted in Part 13

After Division 1 of Part 13 of the Principal Act
insert—

"Division 1A—Offences by bodies corporate

208A Imputing conduct to bodies corporate

For the purposes of this Act and the regulations, any conduct engaged in or on behalf of a body corporate by an employee, agent or officer (within the meaning given by section 9 of the Corporations Act) of the body corporate acting within the actual or apparent scope of employment or apparent authority of the employee, agent or officer, is conduct also engaged in by the body corporate.

208B Criminal liability of officers of bodies corporate—accessorial liability

- (1) If a body corporate commits an offence against a provision specified in subsection (2), an officer of the body corporate also commits an offence against the provision if the officer—
 - (a) authorised or permitted the commission of the offence by the body corporate; or
 - (b) was knowingly concerned in any way (whether by act or omission) in the commission of the offence by the body corporate.
- (2) For the purposes of subsection (1), the following provisions are specified—
 - (a) section 144R;
 - (b) section 144RA.

- (3) Without limiting any other defence available to the officer, an officer of a body corporate may rely on a defence that would be available to the body corporate if it were charged with the offence with which the officer is charged and, in doing so, the officer bears the same burden of proof that the body corporate would bear.
- (4) An officer of a body corporate may commit an offence against a provision specified in subsection (2) whether or not the body corporate has been prosecuted for, or found guilty of, an offence against that provision.
- (5) In this section—
- body corporate* has the same meaning as corporation has in section 57A of the Corporations Act;
- officer*, in relation to a body corporate, means—
- (a) a person who is an officer (as defined by section 9 of the Corporations Act) of the body corporate; or
 - (b) a person (other than a person referred to in paragraph (a)), by whatever name called, who is concerned in, or takes part in, the management of the body corporate.
- (6) This section does not affect the operation of section 323 or 324 of the **Crimes Act 1958**."

9 General regulation making power

In the heading to section 211 of the Principal Act, for "**Regulation**" substitute "**General regulation**".

10 New section 210A inserted

After the heading to Division 3 of Part 13 of the Principal Act **insert**—

"210A Information sharing regulation making power

- (1) The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to Part 5A.
- (2) Without limiting subsection (1), the Governor in Council may make regulations for or with respect to—
 - (a) prescribing a person to be an information sharing entity; and
 - (b) prescribing a body to be an information sharing entity; and
 - (c) prescribing an information sharing entity as belonging to any of the following categories—
 - (i) a risk assessment entity;
 - (ii) a protection entity; and
 - (d) prescribing an information sharing entity as belonging to any category specified in the Regulations; and

- (e) prohibiting or regulating the type of information that may be used, disclosed or generally handled by a specified category of information sharing entity; and
- (f) prescribing the purposes for which a category of information sharing entity may use or disclose confidential information; and
- (g) subject to subsection (5), prescribing specified persons employed by, or parts of, an information sharing entity to perform specified functions or exercise specified powers on behalf of an information sharing entity including by specifying any of the following to perform specified functions under Part 5A—
 - (i) the business unit, branch or area (however described) of an information sharing entity;
 - (ii) the business unit, branch or area (however described) of an information sharing entity operating at a specified geographical location;
 - (iii) the person's qualifications or experience;
 - (iv) the person's position description, classification or functions; and
- (h) prohibiting or regulating the disclosure of confidential information between categories of information sharing entity; and

- (i) prescribing a person to be the Central Information Point; and
 - (j) prescribing an information sharing entity to be a CIP data custodian; and
 - (k) prescribing the recording requirements to be observed by an information sharing entity or the Central Information Point generally for the purposes of section 144PB; and
 - (l) prescribing the information to be recorded by an information sharing entity or the Central Information Point for the purposes of section 144PB; and
 - (m) prescribing provisions of Acts for the purposes of section 144QC.
- (3) Regulations made for the purposes of subsection (2)(a) may prescribe a person or class of person who is engaged in a role that requires the handling of confidential information, including any of the following persons—
- (a) a nurse;
 - (b) a police officer;
 - (c) a registered medical practitioner;
 - (d) a psychologist within the meaning of the Health Practitioner National Law;
 - (e) a teacher.
- (4) Regulations made for the purposes of subsection (2)(b) may prescribe a body or class of body that has a function that requires the handling of confidential information, including any of the following bodies—

- (a) a community service organisation funded by the State government to provide services to individuals affected by family violence;

Example

Community service organisations that provide services to individuals affected by family violence include child and family services, drug and alcohol services, homelessness services, out of home care services, mental health services and sexual assault services.

- (b) a public entity;
 - (c) a public service body;
 - (d) a health service provider within the meaning of section 3(1) of the **Health Records Act 2001**;
 - (e) an education and care service or children's service;
 - (f) a school (whether a Government school or a non-Government school).
- (5) Regulations made for the purposes of subsection (2)(a), (b) or (g) may prescribe a person or body specified in section 144I if the prescription of that person or body is in respect of a function other than a judicial or quasi-judicial function involving the handling of confidential information performed by that person or body."

11 Regulation making power

After section 211(2) of the Principal Act **insert**—

- "(3) Regulations made for the purposes of this Act may—
- (a) be of general or limited application; and

- (b) differ according to differences in time, place or circumstance; and
- (c) apply to or impose a duty on a specified person or body or a specified class of person or body."

12 Exception to restriction on publication

At the end of section 167 of the Principal Act **insert—**

- "(2) Section 166(2) does not prevent a disclosure that is made by an information sharing entity for the purposes of Part 5A."

13 Disclosure of information by organisations

After section 207(3) of the Principal Act **insert—**

- "(3A) Despite subsection (3)(b) and (c), information provided by an organisation under subsection (2) may be used or disclosed in accordance with Part 5A."

14 New Schedule 1 inserted

After Part 14 of the Principal Act **insert—**

"Schedule 1—Specified provisions

Section 144QC

- 1 Sections 36(5), 205(2)(b), 206(2), 207(2), 210(2)(b) and 211(2) of the **Children, Youth and Families Act 2005**
- 2 Section 55 of the **Commission for Children and Young People Act 2012**
- 3 Section 140 of the **Confiscation Act 1997**
- 4 Sections 36 and 128 of the **Disability Act 2006**
- 5 Sections 5.3A.10 and 5.3A.14 of the **Education and Training Reform Act 2006**

- 6 Section 181 of the **Firearms Act 1996**
- 7 Section 23(2) and (3) of the **Human Services (Complex Needs) Act 2009**
- 8 Section 164 of the **Infringements Act 2006**".

Division 3—Family violence risk assessment and risk management framework

15 How purpose is to be achieved

In section 2 of the Principal Act—

- (a) in paragraph (b), for "notices." **substitute** "notices; and";
- (b) after paragraph (b) **insert**—
 - "(c) providing a framework for achieving consistency in family violence risk assessment and family violence risk management."

16 New Part 11 of Principal Act inserted

After Part 10 of the Principal Act **insert**—

"Part 11—Family Violence Risk Assessment and Risk Management Framework

188 Definitions

In this Part—

approved framework means the Family Violence Risk Assessment and Risk Management Framework approved by the Minister under section 189 as amended from time to time;

framework organisation means a body prescribed to be a framework organisation for the purposes of this Part;

Secretary means the Department Head of the Minister's department;

section 191 agency means an agency—

- (a) that a public service body or public entity enters into or renews a State contract or other contract or agreement with in accordance with section 191; and
- (b) that provides services under that contract or agreement that are relevant to family violence risk assessment or family violence risk management;

State contract has the same meaning as it has in section 3 of the **Privacy and Data Protection Act 2014**.

189 Minister may approve framework

- (1) The Minister may at any time approve a framework for family violence risk assessment and family violence risk management.
- (2) The framework is to be known as the Family Violence Risk Assessment and Risk Management Framework.
- (3) The Minister may at any time approve an amendment to an approved framework.
- (4) A framework approved under this section is a legislative instrument within the meaning of the **Subordinate Legislation Act 1994**.

- (5) The Minister may, by instrument, delegate to the Secretary any power of the Minister under this section except this power of delegation.

190 Obligation to align with approved framework

A framework organisation that provides services relevant to family violence risk assessment and family violence risk management must ensure that its relevant policies, procedures, practice guidance and tools align with the Framework.

191 Compliance with approved framework to form condition of contract or agreement

A public service body or public entity must not enter into or renew a State contract or other contract or agreement with an agency for the provision of services relevant to family violence risk assessment or family violence risk management unless a term of the State contract or other contract or agreement requires the agency to align their relevant policies, procedures, practice guidance and tools with the approved framework.

192 Ministers to prepare annual report on approved framework

- (1) A Minister who has responsibility for a framework organisation or a section 191 agency must, in respect of each financial year, prepare an annual report of the prescribed matters relating to the implementation and operation of the approved framework by the framework organisations and section 191 agencies for which the Minister has responsibility.

- (2) A Minister referred to in subsection (1) must provide a copy of the report to the Minister administering this Part within 3 months after the end of the financial year to which the report relates.

193 Consolidated annual report to be tabled in Parliament

- (1) The Minister must prepare a consolidated annual report of the prescribed matters relating to the implementation of the approved framework by framework organisations and section 191 agencies.
- (2) The Minister must cause a copy of the consolidated annual report to be laid before each House of the Parliament within 6 sitting days after 1 January in the financial year immediately following the financial year to which the report relates.

194 Minister must review approved framework

- (1) The Minister must cause a review of the operation of the approved framework to be conducted within 5 years after the commencement of this Part.
- (2) The Minister must cause a further review of the operation of the approved framework to be conducted periodically every 5 years after the date on which a review is completed under subsection (1).
- (3) A review conducted under this section must—
- (a) assess whether the approved framework reflects the current evidence of best practices of family violence risk assessment and family violence risk management; and

- (b) recommend the changes required (if any) to ensure the approved framework is consistent with those best practices.

195 Review of operation of Part

- (1) The Minister must cause a review of the operation of this Part to be conducted within 5 years after the commencement of this Part.
- (2) A review conducted under this section must—
 - (a) assess the extent to which this Part is achieving the objective of providing a framework for achieving consistency in family violence risk assessment and family violence risk management; and
 - (b) recommend the changes required (if any) to improve the effectiveness of this Part in achieving that objective.

196 Rights and liabilities

The Parliament does not intend by this Part to create in any person any legal right or give rise to any civil cause of action."

17 New section 210B inserted

Before section 211 of the Principal Act **insert**—

"210B Framework regulation making power

- (1) The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to Part 11 of this Act.

- (2) Without limiting subsection (1), the Governor in Council may make regulations for or with respect to—
- (a) prescribing a body or class of body to be a framework organisation; and
 - (b) prescribing matters to be reported on in an annual report."

Part 3—Amendment of Health Records Act 2001

18 New section 14B inserted

After section 14A of the **Health Records Act 2001** insert—

"14B Information sharing under the Family Violence Protection Act 2008

- (1) Nothing in HPP 1.3 or 1.5 applies to the collection of health information for the purposes of Part 5A of the **Family Violence Protection Act 2008** by an organisation that is an information sharing entity about a person who is a person of concern, or who is alleged to pose a risk of committing family violence.
- (2) Nothing in HPP 1.3 or 1.5 applies to the collection of health information about an individual by the Central Information Point for the purposes of Part 5A of the **Family Violence Protection Act 2008**.
- (3) Nothing in HPP 6 applies to the collection of health information about an individual by the Central Information Point for the purposes of Part 5A of the **Family Violence Protection Act 2008**.
- (4) In this section—

Central Information Point has the meaning given in section 144O of the **Family Violence Protection Act 2008**;

family violence has the meaning given
in the **Family Violence Protection
Act 2008**;

information sharing entity has the
meaning given in the **Family
Violence Protection Act 2008**;

person of concern has the meaning given
in section 144B of the **Family Violence
Protection Act 2008**."

**19 Amendment of Schedule 1—The Health Privacy
Principles**

- (1) In clause 1.1(f)(i) of Schedule 1 to the **Health
Records Act 2001** omit "and imminent".
- (2) In clause 2.2(h)(i) of Schedule 1 to the **Health
Records Act 2001** omit "and imminent".

Part 4—Amendment of Privacy and Data Protection Act 2014

20 New section 15A inserted

After section 15 of the **Privacy and Data Protection Act 2014** insert—

"15A Exemption—information sharing under the Family Violence Protection Act 2008

- (1) Nothing in IPP 1.4 or 1.5, or any applicable code of practice modifying the application of IPP 1.4 or 1.5 or prescribing how IPP 1.4 or 1.5 is to be applied or complied with, applies to the collection of personal information by an information sharing entity for the purposes of Part 5A of the **Family Violence Protection Act 2008** about a person of concern, or a person who is alleged to pose a risk of committing family violence.
- (2) Nothing in IPP 10.1, or any applicable code of practice modifying the application of IPP 10.1 or prescribing how IPP 10.1 is to be applied or complied with, applies to the collection of sensitive information by an information sharing entity for the purposes of Part 5A of the **Family Violence Protection Act 2008** about a person of concern, or a person who is alleged to pose a risk of committing family violence.
- (3) Nothing in IPP 10.1, or any applicable code of practice modifying the application of IPP 10.1 or prescribing how IPP 10.1 is to be applied or complied with, applies to the collection of sensitive information about a primary person or a linked person by an information sharing entity for—

- (a) a family violence protection purpose relating to a primary person who is a child; or
 - (b) a family violence assessment purpose relating to a primary person who is a child.
- (4) Nothing in IPP 1.4 or 1.5, or any applicable code of practice modifying the application of IPP 1.4 or 1.5 or prescribing how IPP 1.4 or 1.5 is to be applied or complied with, applies to the collection of personal information about an individual by the Central Information Point for the purposes of Part 5A of the **Family Violence Protection Act 2008**.
- (5) Nothing in IPP 6, or any applicable code of practice modifying the application of IPP 6 or prescribing how IPP 6 is to be applied or complied with, applies to personal information about an individual held by the Central Information Point for the purposes of Part 5A of the **Family Violence Protection Act 2008**.
- (6) Nothing in IPP 10.1, or any applicable code of practice modifying the application of IPP 10.1 or prescribing how IPP 10.1 is to be applied or complied with, applies to the collection of sensitive information about an individual by the Central Information Point for the purposes of Part 5A of the **Family Violence Protection Act 2008**.
- (7) In this section—
Central Information Point has the meaning given in section 144O of the **Family Violence Protection Act 2008**;

family violence has the meaning given in the **Family Violence Protection Act 2008**;

family violence assessment purpose has the meaning given in section 144A of the **Family Violence Protection Act 2008**;

family violence protection purpose has the meaning given in section 144A of the **Family Violence Protection Act 2008**;

information sharing entity has the meaning given in the **Family Violence Protection Act 2008**;

linked person has the meaning given in section 144A of the **Family Violence Protection Act 2008**;

person of concern has the meaning given in section 144B of the **Family Violence Protection Act 2008**;

primary person has the meaning given in section 144E of the **Family Violence Protection Act 2008**."

21 Information Privacy Principles

In section 18(2) of the **Privacy and Data Protection Act 2014**, for "section 14 or 15" substitute "section 14, 15 or 15A".

22 Amendment of Schedule 1—The Information Privacy Principles

- (1) In clause 2.1(d)(i) of Schedule 1 to the **Privacy and Data Protection Act 2014** omit "and imminent".
- (2) In clause 6.1(a) of Schedule 1 to the **Privacy and Data Protection Act 2014** omit "and imminent".

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Part 4—Amendment of Privacy and Data Protection Act 2014

- (3) In clause 10.1(c) of Schedule 1 to the
Privacy and Data Protection Act 2014 omit
"and imminent".

Part 5—Amendment of Freedom of Information Act 1982

Division 1—Amendment of Freedom of Information Act 1982

23 Definitions

Insert the following definitions in section 5(1) of the **Freedom of Information Act 1982**—

family violence has the meaning given in the **Family Violence Protection Act 2008**;

information sharing entity has the meaning given in the **Family Violence Protection Act 2008**;"

24 Reasons etc. to be given

After section 27(2)(a) of the **Freedom of Information Act 1982** insert—

"(ab) is not required to confirm or deny the existence of any document, if confirming or denying the existence of that document would involve the unreasonable disclosure of information relating to the personal affairs of any person for the reason that it would increase the risk to a primary person's safety from family violence;"

25 Document affecting personal privacy

(1) In section 33(2) of the **Freedom of Information Act 1982**, for "subsection (4)" substitute "subsection (2AB) or (4)".

(2) After section 33(2A) of the **Freedom of Information Act 1982** insert—

"(2AB) Without limiting subsection (2A), if—

- (a) the request is made to an agency that is an information sharing entity, or to a Minister for access to an official document of an agency that is an information sharing entity; and
- (b) the document contains information relating to the personal affairs of the person making the request; and
- (c) the person making the request is a person of concern, or a person who is alleged to pose a risk of committing family violence—

in deciding whether the disclosure would involve the unreasonable disclosure of information relating to the personal affairs of any person, the agency or Minister must also take into account whether the disclosure would increase the risk to a primary person's safety from family violence."

(3) In section 33(9) of the **Freedom of Information Act 1982**—

(a) in the definition of *information relating to the personal affairs of any person*, for "determined." substitute "determined;"

(b) insert the following definitions—

person of concern has the meaning given in section 144B of the **Family Violence Protection Act 2008**;

primary person has the meaning given in section 144E of the **Family Violence Protection Act 2008**."

26 Decision on review

After section 49P(3) of the **Freedom of Information Act 1982** insert—

"(3A) If the review relates to a decision by an agency or a Minister to refuse to grant access to a document or part of a document on the grounds that it would involve an unreasonable disclosure of personal affairs for the reason that it would increase the risk to a primary person's safety from family violence, the Freedom of Information Commissioner may make the decision in terms that neither confirm nor deny the existence of that document."

27 Inspection of exempt documents by Tribunal

After section 56(5) of the **Freedom of Information Act 1982** insert—

"(5A) If an application under section 50(1) or (3D) relates to a document or part of a document in relation to which disclosure has been refused on the grounds that it would involve an unreasonable disclosure of personal affairs for the reason that it would increase the risk to a primary person's safety from family violence, the Tribunal may, if it regards it as appropriate to do so, announce its findings in terms which neither confirm nor deny the existence of the document in question."

Division 2—Consequential amendment of Freedom of Information Act 1982

28 Document affecting personal privacy

After section 33(2C)(a) of the **Freedom of Information Act 1982** insert—

"(ab) the person to be notified is a primary person, and the notification would be reasonably likely to increase the risk to that person's safety from family violence; or".

29 Notice requirement where person is a child— document affecting personal privacy or information communicated in confidence

At the end of section 33A of the **Freedom of Information Act 1982** insert—

"(2) An agency that is an information sharing entity or a Minister responsible for that agency must not notify a parent or guardian of a child under subsection (1) if—

- (a) the child is a primary person; and
- (b) the parent or guardian is a person of concern or is alleged to pose a risk of family violence to that child.

(3) In this section—

person of concern has the meaning given in section 144B of the **Family Violence Protection Act 2008**;

primary person has the meaning given in section 144E of the **Family Violence Protection Act 2008**."

30 Decision on review

In section 49P(3A) of the **Freedom of Information Act 1982**, for "Freedom of Information Commissioner" **substitute** "Information Commissioner".

Part 6—Consequential amendment of other Acts

31 Child Wellbeing and Safety Act 2005

After section 16ZE(3) of the **Child Wellbeing and Safety Act 2005** insert—

"(3A) Subsections (1) and (2) do not prevent a disclosure that is made for the purposes of Part 5A of the **Family Violence Protection Act 2008** by an information sharing entity (within the meaning of that Act)."

32 Children, Youth and Families Act 2005

(1) At the foot of section 36(5) of the **Children, Youth and Families Act 2005** insert—

"**Note**

See also Part 5A of the **Family Violence Protection Act 2008** in respect of the use and disclosure obligations of persons or bodies prescribed to be information sharing entities under that Act."

(2) At the foot of sections 205(2) and 206(2) of the **Children, Youth and Families Act 2005** insert—

"**Note**

See also Part 5A of the **Family Violence Protection Act 2008** in respect of the use and disclosure obligations of persons or bodies prescribed to be information sharing entities under that Act."

(3) At the foot of section 207(2) of the **Children, Youth and Families Act 2005** insert—

"**Note**

See also Part 5A of the **Family Violence Protection Act 2008** in respect of the use and disclosure obligations of persons or bodies prescribed to be information sharing entities under that Act."

- (4) At the foot of sections 210(2) and 211(2) of the **Children, Youth and Families Act 2005** insert—

"Note

See also Part 5A of the **Family Violence Protection Act 2008** in respect of the use and disclosure obligations of persons or bodies prescribed to be information sharing entities under that Act."

- (5) After section 534(6) of the **Children, Youth and Families Act 2005** insert—

"(7) Subsection (1) does not prevent a disclosure that is made for the purposes of Part 5A of the **Family Violence Protection Act 2008** by an information sharing entity (within the meaning of that Act)."

33 Commission for Children and Young People Act 2012

At the foot of section 55 of the **Commission for Children and Young People Act 2012** insert—

"Note

See also Part 5A of the **Family Violence Protection Act 2008** in respect of the use and disclosure obligations of persons or bodies prescribed to be information sharing entities under that Act."

34 Confiscation Act 1997

At the foot of section 140 of the **Confiscation Act 1997** insert—

"Note

See also Part 5A of the **Family Violence Protection Act 2008** in respect of the use and disclosure obligations of persons or bodies prescribed to be information sharing entities under that Act."

35 Disability Act 2006

At the foot of sections 36 and 128 of the
Disability Act 2006 insert—

"Note

See also Part 5A of the **Family Violence Protection Act 2008** in respect of the use and disclosure obligations of persons or bodies prescribed to be information sharing entities under that Act."

36 Education and Training Reform Act 2006

At the foot of sections 5.3A.10 and 5.3A.14 of the
Education and Training Reform Act 2006 insert—

"Note

See also Part 5A of the **Family Violence Protection Act 2008** in respect of the use and disclosure obligations of persons or bodies prescribed to be information sharing entities under that Act."

37 Family Violence Protection Act 2008

In section 144ND(3) of the **Family Violence Protection Act 2008**, in the definition of *authorised representative*—

(a) for paragraph (b) **substitute—**

"(b) a medical treatment decision maker for the individual within the meaning of the **Medical Treatment Planning and Decisions Act 2016**; or

(ba) a support person for the individual within the meaning of the **Medical Treatment Planning and Decisions Act 2016**; or";

(b) in paragraph (c) **omit** "or a person responsible".

38 Firearms Act 1996

At the foot of section 181 of the **Firearms Act 1996** insert—

"**Note**

See also Part 5A of the **Family Violence Protection Act 2008** in respect of the use and disclosure obligations of persons or bodies prescribed to be information sharing entities under that Act."

39 Health Services Act 1988

After section 141(3)(gb) of the **Health Services Act 1988** insert—

"(gc) to the giving of information to or by an information sharing entity in accordance with Part 5A of the **Family Violence Protection Act 2008**; or".

40 Human Services (Complex Needs) Act 2009

At the foot of section 23 of the **Human Services (Complex Needs) Act 2009** insert—

"**Note**

See also Part 5A of the **Family Violence Protection Act 2008** in respect of the use and disclosure obligations of persons or bodies prescribed to be information sharing entities under that Act."

41 Infringements Act 2006

At the foot of section 164 of the **Infringements Act 2006** insert—

"**Note**

See also Part 5A of the **Family Violence Protection Act 2008** in respect of the use and disclosure obligations of persons or bodies prescribed to be information sharing entities under that Act."

42 Personal Safety Intervention Orders Act 2010

At the end of section 124 of the **Personal Safety Intervention Orders Act 2010** insert—

"(2) Section 123(2) does not prevent a disclosure that is made for the purposes of Part 5A of the **Family Violence Protection Act 2008** by an information sharing entity (within the meaning of that Act)."

43 Sentencing Act 1991

After section 48LB(2)(g) of the **Sentencing Act 1991** insert—

"(ga) if the use or disclosure is by an information sharing entity and is authorised under Part 5A of the **Family Violence Protection Act 2008**;"

44 Victims of Crime Assistance Act 1996

After section 43(3) of the **Victims of Crime Assistance Act 1996** insert—

"(4) Subsection (3) does not prevent a disclosure that is made for the purposes of Part 5A of the **Family Violence Protection Act 2008** by an information sharing entity (within the meaning of that Act)."

Part 7—Repeal of amending Act

45 Repeal of amending Act

This Act is **repealed** on 1 July 2019.

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

[†] *Minister's second reading speech—*

Legislative Assembly: 23 March 2017

Legislative Council: 11 May 2017

The long title for the Bill for this Act was "A Bill for an Act to amend the **Family Violence Protection Act 2008** to establish an information sharing scheme designed to enable specified entities to share family violence information in a timely and effective manner such that it prevents or reduces family violence, to provide for a framework for achieving consistency in family violence risk assessment and family violence risk management, to make consequential and miscellaneous amendments to other Acts and for other purposes."