

Authorised Version

Family Violence Protection (Information Sharing) Amendment (Risk Management) Regulations 2018

S.R. No. 136/2018

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Authorised Version

STATUTORY RULES 2018

S.R. No. 136/2018

Family Violence Protection Act 2008

**Family Violence Protection (Information Sharing)
Amendment (Risk Management) Regulations 2018**

The Governor in Council makes the following Regulations:

Dated: 18 September 2018

Responsible Minister:

GAVIN JENNINGS
Special Minister of State

ANDREW ROBINSON
Clerk of the Executive Council

1 Objectives

The objectives of these Regulations are to amend the Family Violence Protection (Information Sharing) Regulations 2018—

- (a) to prescribe additional information sharing entities for the purposes of Part 5A of the **Family Violence Protection Act 2008**; and
- (b) to prescribe a secrecy provision for the purposes of section 144SE(2)(b) of Part 5B of the **Family Violence Protection Act 2008**; and
- (c) to prescribe matters for the purposes of the Family Violence Risk Assessment and Risk Management Framework as a consequence of the commencement of Part 11 of the **Family Violence Protection Act 2008**.

2 Authorising provisions

These Regulations are made under sections 210A, 210B and 211 of the **Family Violence Protection Act 2008**.

3 Commencement

These Regulations come into operation on 27 September 2018.

4 Principal Regulations

In these Regulations, the Family Violence Protection (Information Sharing) Regulations 2018¹ are called the Principal Regulations.

5 Change of name of Principal Regulations

(1) In the title to the Principal Regulations, after "**Information Sharing**" insert "**and Risk Management**".

(2) At the end of regulation 4 of the Principal Regulations insert—

"(2) On and from the commencement of regulation 5 of the Family Violence Protection (Information Sharing) Amendment (Risk Management) Regulations 2018, a reference to the Family Violence Protection (Information Sharing) Regulations 2018 in any Act or in any other instrument made under any Act or in any other document of any kind (other than in the Family Violence Protection (Information Sharing) Amendment (Risk Management) Regulations 2018), must be read and construed as a reference to the Family Violence Protection (Information Sharing and Risk Management) Regulations 2018."

6 Amendment of objective

In regulation 1 of the Principal Regulations—

(a) in paragraph (c), for "**2008.**" substitute "**2008; and**";

(b) after paragraph (c) **insert**—

"(d) to prescribe a secrecy provision for the purposes of section 144SE(2)(b) of Part 5B of the **Family Violence Protection Act 2008**; and

(e) to prescribe framework organisations and matters to be reported on in an annual report for the purposes of Part 11 of the **Family Violence Protection Act 2008**".

7 Amendment of authorising provisions

In regulation 2 of the Principal Regulations, after "sections 210A" **insert** ", 210B".

8 Definitions

(1) In regulation 4 of the Principal Regulations **insert** the following definitions—

"Council has the same meaning as it has in section 3(1) of the **Local Government Act 1989**;

Multi-Agency Panel to Prevent Youth Offending meeting means a Multi-Agency Panel to Prevent Youth Offending meeting conducted in accordance with any written guidance or guidelines issued by the Secretary to the Department of Justice and Regulation;".

(2) In regulation 4 of the Principal Regulations, in the definition of ***State contract***, after "the State" **insert** "or by a person or body which represents the State, and includes a subcontract made under such a contract".

9 Regulation 5 substituted

For regulation 5 of the Principal Regulations
substitute—

"5 Prescribed person or body an information sharing entity

For the purposes of section 144D(1) of the Act, the following persons and bodies are prescribed as information sharing entities—

- (a) Victoria Police within the meaning of the **Victoria Police Act 2013**;
- (b) the Secretary to the Department of Health and Human Services to the extent that—
 - (i) the Secretary performs functions under the **Children, Youth and Families Act 2005**; and
 - (ii) that Department performs functions in relation to the referral of family violence information received from Victoria Police; and
 - (iii) that Department performs functions under the **Housing Act 1983**; and
 - (iv) that Department assists with the performance of the Director of Housing's functions under the **Housing Act 1983**;
- (c) the Director of Housing within the meaning of the **Housing Act 1983**;
- (d) the Secretary to the Department of Justice and Regulation, to the extent that—

- (i) the Secretary performs functions under the **Corrections Act 1986**; and
 - (ii) the Secretary performs functions under the **Children, Youth and Families Act 2005**; and
 - (iii) that Department performs functions, or assists with the performance of functions of the Secretary to that Department, under the **Children, Youth and Families Act 2005**; and
 - (iv) that Department manages or delivers justice health services or programs; and
 - (v) that Department supports the performance of the functions under Chapter 5 of the **Children, Youth and Families Act 2005** of the Youth Parole Board within the meaning of that Act; and
 - (vi) that Department performs functions relating to victims of crime services or programs;
- (e) a person or body providing correctional services under an agreement under section 9 of the **Corrections Act 1986** that include family violence information sharing functions, to the extent that the person or body performs functions relating to the provision of correctional services;
- (f) a person or body that provides services under an agreement made under section 8B of the **Corrections Act 1986** that include family violence

information sharing functions, to the extent that the person or body performs functions relating to those services;

- (g) the Adult Parole Board established under section 61 of the **Corrections Act 1986**;
- (h) a person or body that is engaged or funded under a State contract to provide prisoner services or programs and perform family violence information sharing functions, to the extent that the person or body performs functions relating to prisoner services or programs;
- (i) a person or body that is engaged or funded under a State contract to provide offender rehabilitation and reintegration services and programs and perform family violence information sharing functions, to the extent that the person or body performs functions relating to those services;
- (j) a person or body that is engaged or funded under a State contract to provide clinical services or programs for offender rehabilitation to the extent that the person or body performs functions relating to those services or programs;
- (k) a person or body that is engaged or funded under a State contract to provide youth justice community support services or programs, to the extent that the person or body performs functions relating to youth justice community support services or programs;

- (l) a person or body that is engaged or funded under a State contract to provide or deliver justice health services or programs to adults, to the extent that the person or body provides or delivers those services directly to adults;
- (m) a person or body that is engaged or funded under a State contract by the Department of Justice and Regulation to provide or deliver health, rehabilitation or reintegration services or programs for children, to the extent that the person or body provides or delivers those services directly to children;
- (n) a person or body that is engaged or funded under a State contract to provide case management services to victims of crime, to the extent that the person or body performs functions relating to the delivery of case management services to victims of crime;
- (o) a person or body that is engaged or funded under a State contract to provide tenancy advice and advocacy services, to the extent that the person or body performs functions relating to the provision of tenancy advice and advocacy services;
- (p) a person or body that is engaged or funded under a State contract to provide family violence perpetrator intervention programs or services, including trials of such programs or services, to the extent that the person or body performs functions relating to the provision of family violence

perpetrator intervention programs or services;

- (q) a person or body that participates in a Multi-Agency Panel to Prevent Youth Offending meeting, to the extent of that participation, including preparation for and attendance at the meeting and associated follow-up actions or activities;
- (r) a person or body that provides specialist family violence services and is engaged or funded under a State contract to provide family violence information sharing functions, to the extent that the person or body performs functions relating to the provision of specialist family violence services;
- (s) a person or body approved to assess or provide counselling services under section 133 of the Act, to the extent that the person or body performs functions relating to those services;
- (t) a person or body that participates in a Risk Assessment and Management Panel meeting, to the extent that the person or body performs functions that relate to the person or body's participation in a Risk Assessment and Management Panel meeting, including preparation for and attendance at a meeting and associated follow-up actions or activities;
- (u) a person or body that is engaged or funded under a State contract to provide services to victim survivors of sexual assault and perform family violence information sharing functions to the

- extent that the person or body performs functions relating to those services;
- (v) a person or body that is engaged or funded under a State contract to provide sexually abusive behaviour treatment services, to the extent that the person or body performs functions relating to the provision of sexually abusive behaviour treatment services;
 - (w) a body that is declared to be an authorised Hub entity under section 144SC of the Act, to the extent that the body provides services in relation to a body known as a Support and Safety Hub established by Family Safety Victoria;
 - (x) a person or body that is engaged or funded under a State contract to provide financial counselling services, to the extent that the person or body performs functions relating to financial counselling services;
 - (y) the Commission for Children and Young People established under section 6 of the **Commission for Children and Young People Act 2012**;
 - (z) the Disability Services Commissioner within the meaning of the **Disability Act 2006**;
 - (za) a registered out of home care service within the meaning of the **Children, Youth and Families Act 2005** to the extent that it performs the functions of an out of home care service;

- (zb) a registered community-based child and family service within the meaning of the **Children, Youth and Families Act 2005** to the extent that it performs the functions of a registered community-based child and family service;
- (zc) a designated mental health service within the meaning of the **Mental Health Act 2014**, to the extent that it performs functions relating to the provision of mental health services;
- (zd) a person or body that is engaged or funded under a State contract to provide alcohol and other drug services, to the extent that the person or body performs functions relating to the provision of alcohol and other drug services;
- (ze) a person or body that is engaged or funded under a State contract to provide homelessness accommodation or homelessness support services, to the extent that the person or body performs functions relating to the provision of access point, outreach or accommodation services;
- (zf) a Council to the extent it provides maternal and child health programs;
- (zg) a person or body engaged by a Council to provide maternal and child health programs for a Maternal and Child Health service on behalf of a Council, to the extent that the person or body performs functions relating to the provision of maternal and child health programs;

- (zh) a person or body that is engaged or funded under a State contract to provide Maternal and Child Health services, to the extent that the person or body performs functions relating to the provision of maternal and child health programs;
- (zi) the Department of Education and Training to the extent that it provides maternal and child health advice through a state-wide telephone service;
- (zj) a court official within the meaning of section 3(1) of the **Magistrates' Court Act 1989**;
- (zk) a court official within the meaning of section 3(1) of the **Children, Youth and Families Act 2005**."

10 Regulation 6 substituted

For regulation 6 of the Principal Regulations substitute—

"6 Prescribed person or body a risk assessment entity

For the purposes of section 144D(2)(a) of the Act, the following information sharing entities are also prescribed as risk assessment entities—

- (a) Victoria Police within the meaning of the **Victoria Police Act 2013**;
- (b) the Secretary to the Department of Health and Human Services to the extent that the Secretary performs functions under the **Children, Youth and Families Act 2005**;

- (c) the Secretary to the Department of Justice and Regulation to the extent that that Department performs functions relating to victims of crime services or programs;
- (d) a person or body that provides specialist family violence services and is engaged or funded under a State contract to provide family violence information sharing functions, to the extent that the person or body performs functions relating to the provision of specialist family violence services;
- (e) a person or body approved to assess or provide counselling services under section 133 of the Act, to the extent that the person or body performs functions relating to those services;
- (f) a registered community-based child and family service within the meaning of the **Children, Youth and Families Act 2005**, which provides Child and Family Information Referral and Support Team services, to the extent that the body performs functions relating to those services;
- (g) a person or body that is engaged or funded under a State contract to provide services to victim survivors of sexual assault and perform family violence information sharing functions, to the extent that the person or body performs functions relating to those services;

- (h) a person or body that is engaged or funded under a State contract to provide case management services to victims of crime, to the extent that the person or body performs functions relating to the delivery of case management services to victims of crime;
- (i) a body that is declared to be an authorised Hub entity under section 144SC of the Act, to the extent that the body provides services in relation to a body known as a Support and Safety Hub established by Family Safety Victoria;
- (j) a person or body that participates in a Risk Assessment and Management Panel meeting, to the extent that the person or body performs functions that relate to the person or body's participation in a Risk Assessment and Management Panel meeting, including preparation for and attendance at a meeting and associated follow-up actions or activities."

11 Regulation 7 substituted

For regulation 7 of the Principal Regulations substitute—

"7 Prescribed information sharing entity a CIP data custodian

For the purposes of section 144F of the Act, each of the following information sharing entities, or classes of information sharing entities, is prescribed as a CIP data custodian—

- (a) Victoria Police within the meaning of the **Victoria Police Act 2013**;

- (b) the Secretary to the Department of Health and Human Services to the extent that the Secretary performs functions under the **Children, Youth and Families Act 2005**;
- (c) a court official within the meaning of section 3(1) of the **Magistrates' Court Act 1989**;
- (d) the Secretary to the Department of Justice and Regulation, to the extent that the Secretary performs functions under the **Corrections Act 1986**."

12 Application of this Part

- (1) For regulation 9(1) of the Principal Regulations **substitute**—

"(1) The information sharing entities to which this Part applies are the persons and bodies prescribed to be information sharing entities under regulation 5(a) to (zi)."

- (2) In regulation 9(2) of the Principal Regulations, after "information sharing entity" (where first occurring) **insert** "prescribed under regulation 5(t)".

13 Confidential information

In regulation 15 of the Principal Regulations—

- (a) in paragraph (b), for "section 39(3)" **substitute** "sections 39(3) and 132ZC";
- (b) in paragraph (e), for "**2010**." **substitute** "**2010**";
- (c) after paragraph (e) **insert**—
 - "(f) section 41B of the **Child Wellbeing and Safety Act 2005**."

14 New Parts 5 and 6 inserted

After Part 4 of the Principal Regulations insert—

**"Part 5—Information sharing
relating to Support and
Safety Hubs**

**16 Permission to collect, use or disclose
confidential information despite
prescribed secrecy provisions**

For the purposes of section 144SE(2)(b) of the Act, section 41 of the **Children, Youth and Families Act 2005** is a prescribed secrecy provision.

**Part 6—Family Violence Risk
Assessment and Risk Management
Framework**

17 Framework organisations

For the purposes of the definition of *framework organisation* in section 188 of the Act, the following bodies are prescribed as framework organisations—

- (a) Victoria Police within the meaning of the **Victoria Police Act 2013**;
- (b) the Department of Health and Human Services to the extent that it—
 - (i) performs functions, or assists with the performance of the functions of the Secretary to that Department, under the **Children, Youth and Families Act 2005**;and

- (ii) performs functions, or assists with the performance of the functions of the Secretary to that Department or the Director of Housing, under the **Housing Act 1983**;
- (c) the Department of Justice and Regulation to the extent that the Department—
 - (i) performs functions, or assists with the performance of functions of the Secretary to that Department, under the **Children, Youth and Families Act 2005**; and
 - (ii) performs functions relating to the management and delivery of justice health services or programs; and
 - (iii) supports the performance of the functions under Chapter 5 of the **Children, Youth and Families Act 2005** of the Youth Parole Board within the meaning of that Act; and
 - (iv) performs functions relating to victims of crime services or programs; and
 - (v) performs functions on behalf of the Secretary to that Department, or assists with the performance of that Secretary's functions, under the **Corrections Act 1986**;
- (d) the Department of Education and Training to the extent that it provides maternal and child health advice through a state-wide telephone service;

- (e) the Magistrates' Court;
- (f) the Children's Court;
- (g) a body engaged or funded by Court Services Victoria under a State contract for the provision of family violence support services;
- (h) Family Safety Victoria;
- (i) a body providing correctional services under an agreement under section 9 of the **Corrections Act 1986** that include family violence information sharing functions, to the extent that the body performs functions relating to the provision of correctional services;
- (j) a body that provides services under an agreement made under section 8B of the **Corrections Act 1986** that include family violence information sharing functions, to the extent that the body performs functions relating to those services;
- (k) the Adult Parole Board established under section 61 of the **Corrections Act 1986**;
- (l) a body that is engaged or funded under a State contract to provide prisoner services or programs and perform family violence information sharing functions, to the extent that the body performs functions relating to prisoner services or programs;
- (m) a body that is engaged or funded under a State contract to provide offender rehabilitation and reintegration services and programs and perform family violence information sharing functions,

to the extent that the body performs functions relating to those services;

- (n) a body that is engaged or funded under a State contract to provide clinical services or programs for offender rehabilitation to the extent that the body performs functions relating to those services or programs;
- (o) a body that is engaged or funded under a State contract to provide youth justice community support services or programs, to the extent that the body performs functions relating to youth justice community support services or programs;
- (p) a body that is engaged or funded under a State contract to provide or deliver justice health services or programs to adults, to the extent that the body provides or delivers those services directly to adults;
- (q) a body that is engaged or funded under a State contract by the Department of Justice and Regulation to provide or deliver health, rehabilitation or reintegration services or programs for children, to the extent that the body provides or delivers those services directly to children;
- (r) a body that is engaged or funded under a State contract to provide case management services to victims of crime and perform family violence information sharing functions, to the extent that the body performs functions relating to the delivery of case

management services to victims of crime;

- (s) a body that is engaged or funded under a State contract to provide tenancy advice and advocacy services, to the extent that the body performs functions relating to the provision of tenancy advice and advocacy services;
- (t) a body that is engaged or funded under a State contract to provide family violence perpetrator intervention programs or services, including trials of such programs or services, to the extent that the body performs functions relating to the provision of family violence perpetrator interventions programs or services;
- (u) a body that provides specialist family violence services and is engaged or funded under a State contract to provide family violence information sharing functions, to the extent that the body performs functions relating to the provision of specialist family violence services;
- (v) a body approved to assess or provide counselling services under section 133 of the Act, to the extent that the body performs functions relating to those services;
- (w) a body that is engaged or funded under a State contract to provide services to victim survivors of sexual assault and perform family violence information sharing functions to the extent that the body performs functions relating to those services;

- (x) a body that is engaged or funded under a State contract to provide sexually abusive behaviour treatment services, to the extent that the body performs functions relating to the provision of sexually abusive behaviour treatment services;
- (y) a body that is declared to be an authorised Hub entity under section 144SC of the Act, to the extent that the body provides services in relation to a body known as a Support and Safety Hub established by Family Safety Victoria;
- (z) a body that is engaged or funded under a State contract to provide financial counselling services, to the extent that the body performs functions relating to financial counselling services;
- (za) a registered out of home care service within the meaning of the **Children, Youth and Families Act 2005** to the extent that it performs the functions of an out of home care service;
- (zb) a registered community-based child and family service within the meaning of the **Children, Youth and Families Act 2005** to the extent that it performs the functions of a registered community-based child and family service;
- (zc) a body that is engaged or funded under a State contract to provide alcohol and other drug services, to the extent that the body performs functions relating to the provision of alcohol and other drug services;

- (zd) a body that is engaged or funded under a State contract to provide homelessness accommodation or homelessness support services, to the extent that the body performs functions relating to the provision of access point, outreach or accommodation services;
- (ze) a designated mental health service within the meaning of the **Mental Health Act 2014**, to the extent that it performs functions relating to the provision of mental health services;
- (zf) a Council to the extent it provides maternal and child health programs;
- (zg) a body engaged by a Council to provide maternal and child health programs for a Maternal and Child Health service on behalf of a Council, to the extent the body performs functions relating to the provision of maternal and child health programs;
- (zh) a body that is engaged or funded under a State contract to provide Maternal and Child Health services, to the extent that the body performs functions relating to the provision of maternal and child health programs.

18 Annual reports

For the purposes of sections 192 and 193 of the Act, the following matters are prescribed matters—

- (a) actions taken by a public entity or a public service body to support framework organisations and section 191 agencies in relation to

the implementation and operation of the approved framework;

- (b) a summary of the progress of implementation of the approved framework by framework organisations and section 191 agencies;
 - (c) proposed future actions to be undertaken by public entities or public service bodies to support ongoing implementation and operation by framework organisations and section 191 agencies with the approved framework."
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Family Violence Protection (Information Sharing) Amendment (Risk
Management) Regulations 2018
S.R. No. 136/2018

Endnotes

Endnotes

¹ Reg. 4: S.R. No. 14/2018.