

## FAMILY VIOLENCE PROTECTION AMENDMENT (INFORMATION SHARING) BILL 2017

### (Amendments made by the Legislative Council)

1. Clause 7, page 21, after line 16 insert—

**"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. Clause 7, page 27, line 4, omit "may" and insert "must".

3. Clause 7, page 27, after line 11 insert—

"(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. Clause 7, page 27, lines 12 to 15, omit all words and expressions on these lines and insert—

"(4) As soon as practicable after finalising draft guidelines, the Minister must publish the guidelines on an appropriate Internet site."

5. Clause 7, page 27, line 16, omit "(3)" and insert "(5)".

6. Clause 7, page 27, line 16, omit "(4)" and insert "(6)".

7. Clause 7, page 27, line 21, omit "(4)" and insert "(6)".

8. Clause 7, page 27, line 21, omit "(3)" and insert "(5)".

9. Clause 7, page 27, line 25, omit "(5)" and insert "(7)".

10. Clause 7, page 27, after line 28 insert—

"(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."

11. Clause 7, page 32, after line 26 insert—

"(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."

12. Clause 7, page 34, after line 7 insert—

"(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."

13. Clause 7, page 34, lines 9 to 18, omit all words and expressions on these lines and insert—

**"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."

Certified -

Clerk of the Legislative Council