

**AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY**

**DOMESTIC VIOLENCE (AMENDMENT) BILL 1992**

**EXPLANATORY MEMORANDUM**

Circulated by authority of  
Terry Connolly, Attorney General

## OUTLINE

These amendments to the *Domestic Violence Act 1986* give effect to interim recommendations of the reference on domestic violence currently being undertaken by the ACT Community Law Reform Committee. They are intended to allow the Australian Federal Police (AFP) to notify crisis support agencies of relevant details of domestic violence incidents. Without this legislation, the AFP could breach the Commonwealth *Privacy Act 1988* by notifying a support agency. This Bill addresses this by authorising the disclosure of information. This accords with Principle 11 of the *Privacy Act* which provides that a record-keeper may disclose information to a person, body or agency if "the disclosure is required or authorised by or under law". It is intended that this Bill will allow the AFP to notify the Domestic Violence Crisis Service of the relevant details of domestic violence calls, which was the AFP's general practice until recently.

## FINANCIAL IMPLICATIONS

This Bill has no financial implications.

## CLAUSE NOTES

Clause 1 is a citation clause.

Clause 2 defines the term "Principal Act".

Clause 3 inserts a definition into the *Domestic Violence Act* of "approved crisis organisation".

Clause 4 inserts two new sections into the *Domestic Violence Act*.

New clause 33 allows the Minister to declare an organisation to be a crisis support organisation by putting a notice in the Gazette. This notice will be a disallowable instrument. It is intended that the Domestic Violence Crisis Service will be gazetted in this way.

New clause 34 authorises the AFP to disclose information to an approved crisis organisation in certain circumstances. It allows a police officer to disclose information where there are reasonable grounds to suspect that a domestic violence offence has been, is being or is likely to be committed. It is intended that there would be grounds to suspect this where a call is made to police requesting assistance for a domestic violence matter. Under this new section, the police may inform an approved crisis organisation of any information that would be likely to help the organisation give assistance to a person who has been subjected to domestic violence or the person's children. This information could include the name and address of the person, for instance.