

2025

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

ELEVENTH ASSEMBLY

Domestic Violence Agencies (Information Sharing) Amendment Bill 2025

**EXPLANATORY STATEMENT
and
HUMAN RIGHTS COMPATIBILITY STATEMENT
(*Human Rights Act 2004*, s 37)**

**Presented by
Dr Marisa Paterson MLA
Minister for the Prevention of Family and Domestic Violence
April 2025**

Domestic Violence Agencies (Information Sharing) Amendment Bill 2025

The Bill **is not** a Significant Bill. Significant Bills are bills that have been assessed as likely to have significant engagement of human rights and require more detailed reasoning in relation to compatibility with the *Human Rights Act 2004*.

OVERVIEW OF THE BILL

The *Domestic Violence Agencies (Information Sharing) Amendment Bill 2025* (the Bill) amends the *Domestic Violence Agencies (Information Sharing) Amendment Act 2024* to delay the automatic commencement of the new domestic and family violence information sharing scheme by a further 18 months, to 24 November 2026.

The Domestic Violence Agencies (Information Sharing) Amendment Act 2024

On 14 May 2024, the ACT Legislative Assembly passed the *Domestic Violence Agencies (Information Sharing) Amendment Act 2024* (the Amendment Act). The Amendment Act establishes a new domestic and family violence information sharing scheme, which will provide a clear and consistent framework for prescribed information sharing entities to share, collect and use information for a protection purpose.

The overarching objectives of the Amendment Act are to improve service responses to domestic and family violence (DFV) to promote the safety, protection and wellbeing of victim-survivors, prevent the occurrence and escalation of violence, and hold perpetrators to account. At all times, the Amendment Act centres the safety and protection of victim-survivors.

The Amendment Act has a delayed automatic commencement of 12 months after notification and is due to commence on 24 May 2025.

The Bill

This Bill seeks to delay the commencement of the new domestic and family violence information sharing scheme by a further 18 months, or earlier if the Minister otherwise prescribes.

This is necessary to provide sufficient time to establish and deliver foundational elements of the scheme alongside its commencement. The period of delay will allow the delivery of a targeted and staged work program, including updating the common framework for assessing and managing DFV risk, and support the capability building of information sharing entities through the delivery of associated training and consultation with the specialist DFV sector.

This Bill acknowledges that the essential foundational elements are not in place to support the sector to implement the scheme by 24 May 2025.

Cultural change takes time. This delay will support compliance with the scheme once it is in effect, which ultimately stands to better protect the safety, protection and wellbeing of victim-survivors of domestic and family violence.

A longer lead-in time will provide additional time to establish the new Information Sharing Coordinator, which is an important role to oversee the scheme and facilitate information sharing between information sharing entities

Further it will also provide the necessary opportunity to further consult, finalise and deliver critical supports to accompany the statutory scheme. This will include a targeted and staged work program to improve the architecture and delivery of this scheme.

This includes delivering the accompanying Ministerial Protocol, updating the ACT Domestic and Family Violence Risk Assessment and Management Framework, including the development of new tools for frontline workers, and centralised information sharing training to staff within agencies prescribed as information sharing entities.

This Bill provides the ACT Government with an important opportunity to review and refine the Amendment Act and supporting policy instruments in advance of the scheme taking effect, to ensure it can effectively operate in practice as intended, without any unnecessary barriers for agencies.

Ultimately, the Bill listens to and supports affected agencies to effectively prepare to implement the scheme with consistent, coordinated understandings of the scheme across agencies in line with best practice.

This will ensure that once the scheme becomes operational, information sharing entities are supported to confidently and consistently share information in a way that promotes the safety, protection and wellbeing of victim-survivors, prevents the occurrence and escalation of violence, and holds perpetrators to account.

Without delaying the scheme, the new the new information sharing scheme would commence on 24 May 2025, as originally passed in May 2024. This would make the scheme operational and place new roles and responsibilities on information sharing entities to comply with, without the benefit of centralised training or critical, accompanying supports.

Commencing the Amendment Act as originally enacted may risk victim-survivor safety and confidence by commencing a scheme without uniform and consistent risk assessment and management approaches for agencies. The period of delay is necessary to give proper affect to the Amendment Act.

Existing measures

Although agencies prescribed as information sharing entities under the Amendment Act will not be able to rely on the Amendment Act to share information for a further 18

months, existing mechanisms for information sharing between agencies remain open to them.

Importantly, critical domestic, family and sexual violence information sharing remain unaffected by this reform, such as Family Violence Safety Action Program (FVSAP) and Wraparound. In addition, agencies can continue to exchange information with other areas under other schemes as they currently do, such as within child protection and criminal justice statutory schemes.

Existing practices and safeguards still exist and will continue to operate while important preparatory work is finalised to commence the Amendment Act in 18-months' time.

TERMINOLOGY

This document refers to *victim-survivors* in recognition of these terms being widely used in the community. The term *victim-survivor* has the same meaning as *at-risk person* in Part 3 of the Amendment Act. A person is a victim-survivor if an information sharing entity reasonably believes the person has been, is being or is at risk of being subjected to domestic and family violence. The term victim-survivor incorporates all stages of domestic and family violence. Any person who has experienced, is currently experiencing or is at risk of experiencing domestic and family violence is considered a victim-survivor for the purpose of the Amendment Act. The term victim-survivor refers to victim-survivors of all ages, including adults, children and young people.

CONSULTATION ON THE PROPOSED APPROACH

Several ACT-based reports identified the need for information sharing reform in the domestic and family violence context. In particular, Glanfield's *Report of the Inquiry: Review into the system level responses to family violence in the ACT* (Glanfield Inquiry), the findings and recommendations from the *Review of Domestic and Family Violence Deaths in the ACT* by the Domestic Violence Prevention Council (DVPC Death Review), the Final report of the Review of the Family Violence Act 2016 (the *Review of the Family Violence Act 2016*) and the *ACT Domestic Violence Service System Final Gap Analysis Report* (Gap Analysis) each highlight significant barriers to information sharing in the ACT. This includes a lack of clarity about when and how agencies can share information, and institutional cultures which emphasise privacy and secrecy protections.

In response, in June 2016, the ACT Government committed to authorising information sharing in legislation within domestic and family violence matters in the *ACT Government Response to Family Violence* (commitment 3.2). The ACT Government committed to this legislative reform on the condition that stakeholders would be further consulted.

Since 2016, reports including the *Domestic Violence Prevention Council (DVPC) Report from the Extraordinary Meeting* (DVPC Extraordinary Meeting Report), the

Review of the Family Violence Act 2016 and Coroner Hunter's 2021 Coronial Inquest into the death of Bradyn Stuart Dillon have reiterated the need for this reform.

The development of the Amendment Act was informed by extensive consultation with community and government stakeholders. Between September and October 2022, the Domestic, Family and Sexual Violence Office (DFSVO) within the Community Services Directorate (CSD) conducted a public consultation through the ACT Government's YourSay consultation process. In preparation for this consultation process, CSD published a Discussion Paper and Draft Bill for exposure. The Discussion Paper raised several issues, including the proposed approach, human rights considerations, barriers within the current system and cross-jurisdictional observations.

In July 2023, the ACT Government published a Listening Report reflecting on the feedback received from stakeholders. Overall, this report highlighted that community stakeholders expressed strong support for the overall purpose of the reforms to promote the safety, protection and wellbeing of people at risk of domestic and family violence, and to hold people using violence to account. Stakeholder feedback also acknowledged the need for resourcing, training and capability building to support safe and effective implementation of these reforms.

Since 2022, CSD has also chaired a working group that brought together representatives from various ACT Government directorates that are prescribed as information sharing entities under the Amendment Act. This working group provided strategic oversight to the development and implementation of the information sharing scheme.

CLIMATE IMPACT

The Bill does not have a climate impact.

CONSISTENCY WITH HUMAN RIGHTS

Domestic and family violence is a significant issue with devastating impacts on the lives, health, wellbeing, and safety of people, families and communities in the ACT and across Australia. While domestic and family violence can happen to anyone, it is a gendered phenomenon, and overwhelmingly men perpetrate violence against women. In Australia, one in 3 women has experienced gender-based violence in their lifetime.¹ One in 5 women since the age of 15 has experienced sexual violence.²

The prevalence of domestic and family violence in our community is not inevitable and can be prevented. An effective government response to domestic and family violence prevention must be multifaceted, but necessarily include a legislative response. The Amendment Act assists the service system to assess and respond to

¹ ABS, Personal Safety Survey 2016.

² ABS, Personal Safety Survey 2021-22.

the risk of domestic and family violence efficiently and effectively. Overall, the Amendment Act aims to promote the safety of women and children in the ACT community and to prevent domestic and family violence from occurring and escalating more generally.

Ultimately, the new information sharing scheme, as established by the Amendment Act is a mechanism of human rights promotion. The human rights implications of the information sharing scheme are summarised below.

For a comprehensive human rights analysis of all aspects of the new DFV information sharing scheme, see the original Explanatory Statement that accompanied the Amendment Act here:

https://www.legislation.act.gov.au/View/es/db_68885/20231130-82664/html/db_68885.html

Rights engaged

This Bill delays the commencement of the *Domestic Violence Agencies (Information Sharing) Amendment Act 2024* by a further 18 months to 24 November 2026. This will delay the human rights impacts of the new information sharing scheme introduced under the Amendment Act from being realised for this period of delay.

The Bill, and in turn the information sharing scheme introduced under the Amendment Act, engages a number of human rights protected by the *Human Rights Act 2004* (ACT) (HRA). The rights engaged by the Bill include:

- the right to recognition and equality before the law (section 8 of the HRA)
- the right to life (section 9 of the HRA)
- protection from torture and cruel, inhuman or degrading treatment (section 10 of the HRA)
- protection of family and children (section 11 of the HRA)
- the right to privacy (section 12 of the HRA)
- the right to freedom of expression (section 16 of the HRA)
- the right to liberty and security of person (section 18 of the HRA); and
- the right to a fair trial (section 21 of the HRA).

Rights Promoted

The information sharing scheme to be introduced under the Amendment Act engages and promotes the following rights in the HRA:

- Section 8 – recognition and equality before the law
- Section 9 – right to life
- Section 10 – protection from torture and cruel, inhuman or degrading treatment
- Section 11 – protection of family and children
- Section 18 – liberty and security of person

- Section 21 – rights to a fair trial
- Section 22 – rights in criminal proceedings

The primary objective of the information sharing scheme introduced under the Amendment Act is to improve systemic responses to domestic and family violence to centre the safety needs of victim-survivors.

The Bill promotes victim-survivor safety and security of the person (section 18 of the HRA) by ensuring that all agencies are well prepared to implement and comply with the scheme, once in place. This will avoid inconsistent understandings and any unsafe uses of the scheme, before agencies received dedicated, centralised training on the new scheme, which will promote consistent and coordinated approaches.

In addition, the 18-month delay of the scheme's commencement ensures that critical accompanying supports that emphasise victim-survivor safety and best practice are published, well understood and in place before commencement. This ensures the safety risk for victim-survivors or connected third parties is not inadvertently increased, as may be the case if domestic and family violence risk is not assessed and managed effectively in line with a centralised, uniform instrument.

The Bill supports agencies to prepare to implement the information sharing scheme in line with best practice and trauma-informed ways, to avoid any unintended, adverse impacts, ultimately safeguarding the safety of victim-survivors.

Rights Limited

The information sharing scheme to be introduced under the Amendment Act may engage and limit the following rights in the HRA:

- Section 8 – recognition and equality before the law
- Section 11 – protection of family and children
- Section 12 - the right to privacy
- Section 16 – the right to freedom of expression
- Section 21 – the right to a fair trial

By delaying the realisation of the positive human rights impacts (identified above under rights promoted) by a further 18 months, the Bill specifically may engage and limit the following rights in the HRA:

- Section 9 – right to life
- Section 11 – protection of family and children
- Section 18 – the right to liberty and security of person

The Bill's delay of the scheme may impact victim-survivor safety by not being in operation. In effect, the Bill postpones the realisation of positive human rights

impacts and benefits for victim-survivors of domestic and family violence. In this way, it may limit the promotion of important human rights, such as the right to life, protection of family and children, and security of the person.

At the same time, the proper and safe operationalisation of the Amendment Act is critical to realising the intent of the new information sharing scheme. There is a risk that commencing the Amendment Act without its critical foundational elements could negatively impact the rights, safety and confidence of victim-survivors.

Additionally, existing domestic and family violence response services and information sharing mechanisms, such as the FVSAP and Wraparound, as well as other existing information sharing schemes, will continue to operate. This will continue to support critical information sharing to promote the rights of victim-survivors while also allowing services to continue information sharing to keep the person using violence within view.

Domestic Violence Agencies (Information Sharing) Amendment Bill 2025
Human Rights Act 2004 - Compatibility Statement

In accordance with section 37 of the *Human Rights Act 2004* I have examined the **Domestic Violence Agencies (Information Sharing) Amendment Bill 2025**. In my opinion, having regard to the Bill and the outline of the policy considerations and justification of any limitations on rights outlined in this explanatory statement, the Bill as presented to the Legislative Assembly **is** consistent with the *Human Rights Act 2004*.

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Tara Cheyne MLA
Attorney-General

CLAUSE NOTES

Domestic Violence Agencies (Information Sharing) Amendment Bill 2025

Detail

Clause 1 — Name of Act

This is a technical clause that names the Act as the *Domestic Violence Agencies (Information Sharing) Amendment Act 2025*.

Clause 2 — Commencement

This clause provides that the Act will commence on the day after its notification day.

Clause 3 — Legislation Amended

This clause outlines that the Act will amend the *Domestic Violence Agencies (Information Sharing) Amendment Act 2024*.

Clause 4 — Commencement Section 2(2)

This clause replaces section 2(2) of the *Domestic Violence Agencies (Information Sharing) Amendment Act 2024*.

New section 2(2) provides that if Act has not commenced before 24 November 2026 that the Act will automatically commence on that day.