



**Information
Commissioner**
NORTHERN TERRITORY

A Matter of Trust:

First Review of Chapter 5A,
Domestic and Family Violence Act

Risk | Trust | Sharing | Protection | Response | Safety

Acknowledgement of country

We pay respect to the past, present and emerging Traditional Custodians and Elders of lands throughout the Northern Territory.

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Preface

Abbreviations

AGD	Department of the Attorney General and Justice
ANROWS	Australia's National Research Organisation for Women's Safety
CAHS	Central Australia Health Service
CAWG	Cross-Agency Working Group
Corrections	Community Corrections (within AGD)
CRAT	Common Risk Assessment Tool
DFSV	Domestic, Family and Sexual Violence
DFV	Domestic and Family Violence
DFV Act	<i>Domestic and Family Violence Act 2007</i> (NT)
DFV Guidelines	Domestic Violence Information Sharing Guidelines published under section 124N of the DFV Act
Education	Department of Education
Health	Department of Health
ICRO	Domestic, Family and Sexual Violence Interagency Coordination and Reform Office (also called DFSV ICRO)
ISE	Information Sharing Entity
NTCOSS	Northern Territory Council of Social Services
NTG	Northern Territory Government
NT Police	Northern Territory Police
ODFSVR	Office of Domestic, Family & Sexual Violence Reduction (within Territory Families)
OIC	Office of the Information Commissioner (NT)

RAMF	Risk Assessment and Management Framework
Territory Families	Department of Territory Families, Housing and Communities
TEHS	Top End Health Service

Acknowledgements

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I also acknowledge the extensive and dedicated work carried out by the Deputy Information Commissioner, Brenda Monaghan, who was primarily responsible for the investigation and preparation of this report.

Note on language

Extensive research supports the conclusion that the significant majority of victims of domestic and family violence are women and their children¹. As a result, throughout this report, when we speak of victims and perpetrators, gendered language is used.

¹ Australian Institute of Family Studies, *Gender equality and violence against women*, Australian Government, January 2020, accessed online at <https://aifs.gov.au/publications/gender-equality-and-violence-against-women>;

Northern Territory Council of Social Services, *Domestic, Family and Sexual Violence in the Northern Territory*, accessed online at <https://ntcoss.org.au/ntcoss-submissions/inquiry-into-domestic-family-and-sexual-violence/>.

Executive summary

1. Tackling Domestic and Family Violence (**DFV**) is an enormous challenge for modern society. Government and Parliament seek to promote an informed and co-ordinated approach to DFV. One step in that direction is Chapter 5A of the *Domestic and Family Violence Act 2007* (the **DFV Act**), which is intended to create pathways for enhanced information sharing between Information Sharing Entities (**ISEs**), which include a wide variety of government authorities and nominated non-government organisations (**NGOs**) involved in providing domestic violence related services.
2. Under Chapter 5A, information can be shared if it may help the ISE receiving it to assess whether there is a serious threat to a person's life, health, safety or welfare because of domestic violence; or lessen or prevent such a threat. In any given case, this may entail sharing a broad range of information about a variety of people, including a victim of DFV, their children and other family members, people who live with them, carers, alleged perpetrators and associates.
3. The scheme therefore extends to collection, use and disclosure of a significant amount of information which people would not ordinarily expect to be shared between organisations, in ways which, apart from Chapter 5A, might breach the Information Privacy Principles under the *Information Act 2002* (the **IPPs**) and other secrecy or confidentiality provisions.
4. Beyond that, use and disclosure of such information has the potential to have significant unintended consequences, particularly for DFV victims. For example, disclosure of the mere fact that a victim has approached an organisation may cause added issues for the victim in dealing with the perpetrator, their family and their community. Disclosure of a victim's specific comments may make the situation worse. Use and disclosure, even with the best of intentions, will not always result in unqualified benefits for a victim.

First review

5. In light of the complexities involved in implementation of Chapter 5A, Parliament included provision for the Information Commissioner to review and report on it after two, and then five, years of operation. This report arises from the first review².
6. The domestic and family environment can present an incredibly complex set of constantly evolving challenges. Individuals may vary in their capacity, situational ability and willingness to make decisions that impact on their welfare (including decisions about information sharing) but the right to self-determination should be the starting point. Any departure that takes decision-making out of the hands of the individual should be carefully justified and closely monitored.

² The Chapter 5A information sharing provisions commenced on 30 August 2019. Although this review commenced 2 years later, resource issues and the impact of the COVID-19 pandemic resulted in some unavoidable delays in completing it. More information is provided on these issues at paragraphs 105-107.

7. Departures for sound public interest reasons can be justified. A number of general departures already exist, for example, in Information Privacy Principle 2 in the *Information Act*. However, departures should only be maintained to the limited extent necessary and for so long as they are found to be effective.
8. This review therefore endeavoured to investigate the actual extent of information sharing under Chapter 5A, any concerns raised by information sharing and any identified hurdles or barriers to the effectiveness of the scheme. The timeframe for the initial review, limits on capacity within the Office of the Information Commissioner (**OIC**) and external factors have all meant this first review was targeted and strategic in both its consultation process and in its ultimate recommendations on what is required to strengthen the scheme. In conducting the review however, it became clear that Chapter 5A must be recognised as but one element among a variety of information sharing and co-operation mechanisms designed to facilitate compatible and effective community approaches to DFV. The review has therefore considered its operation within that broader context.

A matter of trust

9. Given the intrusion Chapter 5A permits into the lives of individuals, it is essential that they are provided with sufficient information to develop trust that it is implemented for their benefit. While there is an important role in this regard for Territory Families, as the lead agency responsible for Chapter 5A, an essential supplement can be provided by domestic violence service providers, particularly NGOs, who are often in the best position to explain and provide assurance to individuals whose information is being used and disclosed.
10. There are a large number of government agencies and NGOs working towards the same goal in the DFV sphere. While all have an underlying aim to work against DFV, their approaches and mechanisms for doing so may vary greatly. They include NGOs and health/social welfare agencies with a focus on providing care and service to individuals — with officers who have professional obligations to maintain confidentiality. There are law enforcement agencies who are often first responders to DFV situations but also have obligations to make and seek domestic violence orders and enforce the criminal law. And there are agencies responsible for making child protection orders and undertaking public housing or other government functions.
11. There are rarely easy answers as to the best course of action in DFV matters. The impacts of disclosure or a particular course of action are not always positive. The differing perspectives of these organisations and officers give rise to many differing views about the best ways to achieve positive outcomes in a DFV context. They can equally lead to diverging and, at times, diametrically opposed views on the best approaches to dealing with DFV and the sharing of information. This variance in preferred approaches can, and often does, lead to scepticism or, at least, wariness about how shared information will be used. Effective information sharing and co-ordination must be built on a high level of trust.

12. Parliament has provided a clear statement of intent by passing Chapter 5A that responsible information sharing is to be encouraged. Sending this message is no doubt one objective of the legislation and it may, without any formal reference to the scheme, be translating into greater effective information sharing. There is certainly a substantial amount of DFV information sharing between a wide range of government agencies and NGOs in a variety of forums.
13. However, it is difficult to say, on the limited evidence available, that the specific mechanism in Chapter 5A is being regularly utilised. There is a lack of records showing reliance on Chapter 5A and anecdotal evidence does not support an acknowledged, widespread reliance on its provisions. By the same token, nor is there any indication of privacy complaints or breaches being identified as associated with Chapter 5A information sharing.

Where to from here?

14. A clear finding from the review is that, in such a complex and multi-faceted environment, real sharing and co-operation may be assisted by a statutory pathway but will only be truly effective if there is a solid foundation of understanding and trust established between sharing organisations. That understanding and trust currently exists in many instances throughout the Territory but can be strengthened.
15. Much of the emphasis in this report is therefore on measures that will further promote understanding and trust between organisations and individuals both within and outside government. This includes further training, engagement and transparency that builds trust, along with reconsideration of factors that run counter to maintaining trust and confidence.
16. In that regard, it is important for there to be considerable additional training and engagement, particularly for NGOs who are, or may become ISEs, in order to address concerns and show the benefits of information sharing. This may include assistance to ISEs to provide internal professional development around DFV information sharing.
17. Further, it is difficult to reconcile a co-operative and trust-based approach permitting information sharing between organisations in a victim's interests, in the presence of mandatory requirements that empower one ISE to compel another to provide information (section 124H of the DFV Act). In the course of the investigation, there did not seem to be any significant reliance on the power to compel but this did not stop it being a cause of substantial concern for some NGOs contemplating whether to sign up as ISEs.
18. The presence of a mandatory provision detracts from establishment and maintenance of trust. One option would be to remove the mandatory provision, which does not seem to have been widely utilised. Alternatively, clear statements around the limited circumstances of use could be adopted, potentially with an internal (Territory Families) mechanism put in place to review any use challenged by another ISE.

19. We have made a number of recommendations for consideration by Government, including the need for additional resources to support and assist the DFV sector in fully implementing information sharing. These relate both to the specific operation of Chapter 5A and to how it fits within the broader approach to DFV. This is in recognition that Chapter 5A is interdependent with other DFV mechanisms. Draft recommendations in a form substantially similar to the final recommendations were first provided to the DFSV ICRO in November 2022. Our final recommendations are set out following Chapter 1.
20. In doing so, we acknowledge the extensive work that has been undertaken or committed to in this area. For example, comprehensive work has been done to prepare and publish the Domestic, Family and Sexual Violence Reduction Action Plan 2³. This Plan follows on from Action Plan 1⁴ and speaks to many of the issues raised by stakeholders during our consultation. Action Plan 2, subtitled '*Taking stock, evaluating and reviewing, and building on what works: 2022-2025*', provides a basis and framework for proposed actions and resource allocation to address DFV in the NT. Complementary work has also been undertaken to prepare a mapping of current investment and activity to prevent and respond to DFV in the NT.⁵
21. We also acknowledge that broader DFV issues are currently under consideration in other forums, which will no doubt culminate in informed and erudite commentary and recommendations regarding those broader issues.

Feedback from Government ISEs and the need for more funding

22. An advanced draft report (including draft recommendations) was provided to Government ISEs and the Minister for consideration and comment.
23. A response was received from Territory Families, incorporating feedback from Government ISEs⁶. Most draft recommendations were accepted in part or in full and some are noted to have been partially or fully completed, which is welcomed.
24. However, the recommendations that have been accepted are noted as to be delivered within the current resources of Government ISEs. In short, no additional funding is proposed to be allocated to improve information sharing under Chapter 5A⁷.
25. I regard this frankly as a reflection of budgetary calculus rather than a realistic appraisal of need and capacity. The feedback received from domestic violence related services emphasises the need for greater support and assistance for information sharing. Further, almost every person working against the scourge of domestic violence is singing from the same song sheet.⁸

³ Action Plan 2 was released on 30 August 2023-[Domestic, Family and Sexual Violence Reduction Action Plan 2 \(nt.gov.au\)](https://nt.gov.au/domestic-family-and-sexual-violence-reduction-action-plan-2); Also prepared was a [Monitoring evaluation and accountability plan](https://nt.gov.au/monitoring-evaluation-and-accountability-plan).

⁴ Action Plan 1: Changing Attitudes, Intervening Earlier and Responding Better (2018-2021).

⁵ https://tfhc.nt.gov.au/data/assets/pdf_file/0007/1274038/dfsv-mapping-report.pdf.

⁶ The Response from Government ISEs to Draft Recommendations is at Annexure 2.

⁷ This position accords with Action Plan 2. Action Item 4.4 at page 32 of the Action Plan states that continuing to strengthen DFV Information Sharing will come from 'existing resources'.

⁸ For example see: <https://www.abc.net.au/news/2023-09-01/nt-domestic-violence-funding-announcement-labelled-betrayal/102800752>.

26. More is needed to achieve outcomes — much more. Budget allocations do not dictate need. The work that needs to be done dictates the budget required to achieve it. Budgetary limitations do not make the desired outcome achievable with less. The dire plight of Aboriginal families, women and children in particular warrants the absolute commitment of the most urgent attention of the Territory and Commonwealth governments. Recent funding announcements from both tiers of government in this field are very welcome (see footnote 48) but the need outstrips them.
27. Information sharing is acknowledged as an integral element in facing this enormous challenge although it is far from the only element. It shares the reality with many other elements that there is a desperate need for additional funding to achieve essential outcomes. If this or any other initiative in the domestic violence sphere is considered worthwhile, and is to be given a realistic chance to succeed, it needs to be adequately funded, not tacked on to the functions of already overworked staff in agencies and NGOs.
28. I have commented on a number other points raised in the response from Government ISEs elsewhere in this report and particularly at the end of Chapter 7.
29. The Minister responded noting that a key theme of the report is the need for ongoing education and training. The Minister referred to the Territory Families' response, including its acceptance of the need for ongoing training for implementation and embedding of the information sharing scheme.

Peter Shoyer
Information Commissioner
18 December 2023

Chapter 1 - Commissioner's comments

1. The staggering number of reported domestic and family violence (**DFV**) incidents in the Northern Territory remains a critical issue for both Government and the broader community to tackle⁹. Research shows that Aboriginal women living in the NT are the group most affected by DFV and they are over eight times more likely to be assaulted than either non-Indigenous women or non-Indigenous men, and over three times more likely to be assaulted than Aboriginal men¹⁰.
2. The causes of DFV are unquestionably numerous and complex and appropriate responses to deal with the problems are equally numerous and complex. What we know from history is that there are no quick or easy solutions to such difficult and deep rooted issues and it will take a concerted and consistent effort from all concerned to make meaningful and lasting change.
3. This review considers one of many recent initiatives aimed at helping reduce DFV and improving the outcomes for women and children in the NT. Amendments made to the *Domestic and Family Violence Act 2007* (the **DFV Act**), which commenced on 30 August 2019, are contained in Chapter 5A of that Act.
4. They were introduced to encourage and support better information sharing between prescribed government agencies and domestic violence related services approved by the relevant Minister (collectively known as information sharing entities or **ISEs**). ISEs assist or support victims of domestic and family violence in a service delivery capacity as a government agency or as a non-government organisation (**NGO**) or they are part of the response to domestic and family violence through the justice system.
5. This report reviews the first two years of implementation of Chapter 5A and analyses the progress made during that period in implementing the scheme. It also contains information and commentary on implementation of the scheme post the first review period. Although there is limited quantitative information available to inform the review, qualitative information from written responses and in-person consultation has provided valuable insight.

⁹ Australian Broadcasting Corporation, *New figures show problem of family and domestic violence growing in Northern Territory*, 12 August 2022 at <https://www.abc.net.au/news/2022-07-28/victims-of-crime-report-shows-increasing-domestic-violence-in-nt/101276786>;

Australian Broadcasting Corporation, *VIDEO: Domestic violence system in the Northern Territory needs "radical" change*, 28 August 2023 at <https://www.abc.net.au/news/2023-08-28/domestic-violence-system-in-the-northern-territory-needs-change/102782686>.

¹⁰ Northern Territory Government, *Summary-Review of Legislation and the Justice Response to Domestic and Family Violence in the Northern Territory for Consultation* published by NTG in August 2022, p6. Accessed at <https://justice.nt.gov.au/law-reform-reviews/published-reports-outcomes-and-historical-consultations/historical/2022/review-of-legislation-and-the-justice-responses-to-domestic-and-family-violence-in-the-northern-territory>;

NTG Newsroom, *Domestic and Family Violence Exposure Draft Bill now open for comment*, 1 June 2023 accessed at <https://territorystories.nt.gov.au/10070/909098/0>

6. This information has helped inform our recommendations (which follow this Chapter). It will also be of direct relevance for the second statutory review to occur after five years.
7. Some preliminary comments should be made about external factors impacting on the process of this review. In conducting the review, the COVID-19 pandemic had an impact on the capacity of my small Office to undertake consultation with stakeholders across the NT and to compile the report. The pandemic also impacted on the ability of stakeholders to respond. Further, the process of prescribing NGOs took some time and only a limited number have been prescribed to date, meaning there was limited scope for operation of the DFV Act in this regard.
8. I am mindful that the conclusions reached may not be reflective of the views of all stakeholders. Despite some effort on our part, we received limited feedback from many organisations and ISEs contacted, particularly remote domestic violence related services. We understand that this may be for a multitude of reasons, including the impact of COVID-19 on their workplace and community, the daily pressure faced by them to keep up with the constant demand for their services and perhaps some fatigue at being asked to provide responses to inform several new initiatives and reviews in the DFV space. It may also be that a number of domestic violence related services¹¹ are not yet using the Chapter 5A provisions as a basis for giving or receiving information in a DFV situation and accordingly have been less engaged in the review.
9. Those that were engaged in the review however, provided their time generously and their contributions are appreciated and are reflected in this report and in my recommendations.
10. Based on feedback received from stakeholders across the NT, there appears to have been limited reliance placed on Chapter 5A information sharing powers by ISEs up to this point. I note that some government agencies confirmed that they had used Chapter 5A to share information¹² but in general, most ISEs appeared to continue to rely on trusted relationships and pre-existing legislative schemes.
11. With only eight NGOs approved as ISEs as at the end of the first two years, and those only approved towards the end of the period, it is reasonable to assume that minimal sharing with them under Chapter 5A had occurred. Instead, the Timeline of events¹³ and the responses received from Government ISEs¹⁴ support the view that the first two years

¹¹ See section 124B of the DFV Act:

domestic violence related service means an assistance or support service provided to any of the following:

- (a) persons who fear or experience domestic violence;
- (b) other persons affected by that domestic violence;
- (c) persons who commit domestic violence.

Examples for definition domestic violence related service -Alcohol and other drug treatment services, allied health services, counselling, disability services, health services,

¹² In particular, see responses from NT Police and Health in Annexure 1.

¹³ See Chapter 5.

¹⁴ Responses from Government ISEs discussed in Chapter 7 and provided in Annexure 1. It is important to note that many of the statistics provided by Government ISEs relate not only to the first 2 years but to subsequent

were necessarily devoted to the preparation and publication of the DFV Guidelines and resources, the prescribing of those first domestic violence related services as ISEs and the commencement of a program of online and face to face training on Chapter 5A sharing, the Risk Assessment and Management Framework (**RAMF**) and the Common Risk Assessment Tool (**CRAT**).

12. In the time since the end of that period, quite how much the Chapter 5A information sharing scheme has formally been utilised is difficult to assess. Noting that ISEs are not required to report quantitative data on their actual usage of the scheme, my conclusions below are necessarily based principally on qualitative information collected from interviews and information and submissions received.
13. In my view, there has continued to be slow progress in the uptake and usage of the Chapter 5A information sharing scheme since the end of the first two years of operation. Five more domestic violence related services applied and were approved as ISEs in February 2022 and a further two in 2023.¹⁵ However, feedback received during consultation confirms that several domestic violence related services are considering joining the scheme.¹⁶
14. Territory Families advises that a primary objective of the Chapter 5A information sharing scheme was to assist external domestic violence related services to collect and share information,¹⁷ so the views of prospective non-government ISEs are important from the perspective of the review.
15. The concerns raised during the consultation process that occurred principally in 2022/23 are varied.¹⁸ For example, some domestic violence related services are concerned by the fact that they may be required to divulge personal information about a client without the client's consent and, despite the protections on disclosure contained in Chapter 5A, they remain concerned about how this information might be used by the receiving ISE or disclosed to other parties. Some are concerned about a perceived lack of a governance structure in the scheme, while others are reluctant to join a scheme that may impose training, record keeping and other requirements on them that they fear they will struggle to meet.
16. Most domestic violence related services currently rely upon other information sharing options (e.g., sharing under Part 5.1A of the *Care and Protection of Children Act 2007* or in compliance with the Information Privacy Principles in the *Information Act 2002*), and they either query whether there is value in them becoming an ISE or they await the opportunity to discuss their concerns more fully with Government.

years. Likewise, many of the comments made reflect the views of agencies at the time of their formal responses to the Commissioner in 2022.

¹⁵ These numbers are current as at September 2023.

See https://tfhc.nt.gov.au/_data/assets/pdf_file/0011/719336/information-sharing-entities.pdf.

¹⁶ Recent legislative reforms to simplify the process of becoming an ISE will undoubtedly assist.

¹⁷ See Annexure 1- Response from Territory Families, at p.17.

¹⁸ See Chapter 6 for more detail.

17. If the Chapter 5A scheme is to be more widely adopted by domestic violence related services, there is an immediate need for further training opportunities and ongoing assistance to be made available to these external organisations to respond to their concerns — at least during the initial years of implementation.
18. It is acknowledged that the lead agency, Territory Families, and contracted providers¹⁹ are providing regular opportunities for free training on the Risk Assessment Management Framework (**RAMF**) and related matters. These day-long training sessions are held in all major centres, including Darwin and Alice Springs every month on average, and Nhulunbuy, Katherine and Tennant Creek every few months on average. The training covers many topics including *‘responding to the needs of DFV victim survivors in order to increase their safety, through information sharing, mandatory reporting, referrals to the Family Safety Framework, and safety planning.’*
19. In the period from the commencement of training (February 2021) until the end of the first two years (30 June 2022), 42 workshops were held. This equates on average to 2.5 per month, or more than one workshop every fortnight occurring somewhere in the Northern Territory. Government ISEs advise that this average was maintained in the 2022-23 financial year, with a further 28 workshops held.
20. Although stakeholders commend Territory Families for facilitating these training opportunities, the feedback during our consultation is that it isn’t enough to completely meet training demands of the sector.
21. For example, although Chapter 5A sharing may be raised briefly in the RAMF training, there appears to be little ongoing training focussed on this scheme. Instead, stakeholders must rely on the Territory Families website information²⁰ which, although well prepared and accessible, is considered by stakeholders insufficient on its own to encourage services to apply to become an ISE or to assist in answering their many questions.
22. For these reasons, there is a need, not only for more RAMF training but also for regular training opportunities on the Chapter 5A information sharing scheme, noting in particular that significant movement of staff in and out of organisations remains a challenge where staff training is concerned.
23. Any training on Chapter 5A sharing should specifically include the basics about other information sharing schemes²¹ so that stakeholders can make informed decisions when they need to collect, use or disclose information to keep women and children safe. Several services advised that the question of which scheme is best to utilise is at times confusing for their staff.

¹⁹ See NTCOSS training calendar at <https://ntcoss.org.au/dfsv-training-calendar-all/>.

²⁰ See Northern Territory Government, *Domestic and family violence information sharing* at <https://tfhc.nt.gov.au/domestic-family-and-sexual-violence-reduction/informationsharing>.

²¹ For example, sharing under Part 5.1A of the *Care and Protection of Children Act 2007* or in compliance with the Information Privacy Principles (IPPs) in the *Information Act 2002*.

24. Work has been done by Territory Families to assist stakeholders in understanding the different options for information sharing, such as the '*Can I Share Information?*' poster²² available online. Regrettably, one look at the poster confirms that the answer to the '*Can I Share Information?*' question is not always easy and more needs to be done to assist both the staff of domestic violence related services and public officers to be confident in their decisions to share.
25. The need for further training and ongoing support to potential and current ISEs about Chapter 5A sharing is my strongest recommendation, as it appears highly likely that delays in the uptake of the scheme are largely attributable to a lack of understanding and confidence in its beneficial application.
26. I make this observation not to criticise the considerable work undertaken by a small team of dedicated public officers and contract service providers tasked with supporting implementation but to highlight the fact that current resources provided for training and implementation are inadequate in circumstances where the NT is dealing with a critical situation where DFV is concerned.
27. Another important issue is the ongoing need for further consultation to occur with legal support services to understand their confidentiality concerns about becoming an ISE and to consider how those concerns might best be addressed. For example, on becoming an ISE, a legal service might be required to divulge confidential information about a client without her consent. A hypothetical example given during consultation was a contemporaneous record from a confidential counselling session that is required to be provided to another ISE for a 'permitted use'²³ but which might be potentially misleading or damaging to a client when interpreted (or misinterpreted) by people other than the original counsellor. The concern was that the limits on sharing contained in section 124G of the DFV Act may not extend to a situation such as this.
28. Noting that the stated intention of these reforms is to assist domestic violence related services to obtain information to protect women, it is important that the concerns of their legal support services are carefully considered and responded to. It should be noted that every legal service consulted fully supports and complies with mandatory notification. Most legal services also regularly utilise the Family Safety Framework where they share information about their clients in situations of serious risk to the client and with their consent. They trust those processes but they have lots of unanswered questions that prevent them from being able to decide whether they can trust this new process enough to become an ISE.
29. Against this background, there may be an opportunity for further consultation, clarification and compromise with these legal services as regards the concerns they raise. This would not involve Territory Families providing legal advice to stakeholders but rather creating an opportunity for discussion about Chapter 5A provisions, Guidelines and implementation. It is also relevant that one legal support service has become an ISE²⁴

²² See '*Can I share information?*' poster accessed at https://tfhc.nt.gov.au/_data/assets/pdf_file/0004/719338/Share-Information-poster.pdf

²³ See s124J *Domestic and Family Violence Act 2007*.

²⁴ See discussion of Organisation F in Chapter 6.

and they consider that there have been benefits for them in taking this step. This is not to say that all services providing legal advice and support to victims should join the scheme but the positive experience of that organisation is worth noting.

30. It is important to state that this is not a time for government to pressure organisations into joining the scheme. Such a step would do nothing to engender trusting relationships between stakeholder groups and government. Many of the points made by domestic violence related services and discussed in this report raise valid concerns which should be explored. This is a time for government to listen to the concerns of support services and endeavour to address or accommodate them.
31. Another issue raised by some domestic violence related services was the impact on their limited resources should they decide to become an ISE. Reviewing and amending internal policies and guidance to staff, backfilling positions to facilitate staff training opportunities, responding to requests for information (including the redaction of documents) and recording/reporting requirements all have an impact on tight budgets.
32. I consider there would be merit in considering allocation of some finite financial support to these services to assist them in implementing their responsibilities under Chapter 5A. Providing financial support in the initial stages of a similar information sharing scheme would align with steps taken for the DFV sector in Victoria. When the scheme there was reviewed after two years, a recommendation was made that the funding continue²⁵.
33. The response to the draft Report²⁶ advised that in June 2022, DFSV specialist and legal services and eligible universal services were provided with funding of \$3.3m (under the National Partnership Agreement) to support the implementation of the RAMF (which includes the information sharing scheme).
34. Our main consultation with domestic violence related services took place after June 2022. It may be that services consulted were unaware of this funding or how they might obtain it but several of these services advised of their ongoing need for financial support if they were to be in a position to comply with the responsibilities of an ISE under Chapter 5A. My recommendation for appropriate start up/implementation funding for these services remains relevant, even if a major component of implementation is better communication of existing funding options²⁷.
35. Work also needs to be done to reach out to non-government schools in the NT and domestic violence related services for the disability, migrant, older women and LGBTIQ+ sectors. These services need education and training about Chapter 5A and ongoing support should they apply to become ISEs.

²⁵ Monash University, Family Safety Victoria, *Review of the Family Violence Information Sharing Legislative Scheme Final Report*, 30 May 2020 at Recommendation 15. Accessed online at <https://www.vic.gov.au/review-family-violence-information-sharing-legislative-scheme-final-report>

²⁶ The Response from Government ISEs to Draft Recommendations is at Annexure 2.

²⁷ See Recommendation 5.

36. There is also a need for further training of relevant public officers within the government departments that are ISEs. The responses received from ISEs and comments made by domestic violence related services confirm that many public officers who have responsibilities in this area know too little about the Chapter 5A sharing scheme.
37. I am aware that some government ISEs do not need to utilise this new scheme for their core business and they consider the sharing options offered by pre-existing legislative schemes are sufficient for their purposes. While this may be the case in most circumstances where sharing is required, it may not be the case in all circumstances. For example, the Chapter 5A sharing scheme will assist when the DFV risk involves a woman but not her children such that the *Care and Protection of Children Act 2007* provisions may not be relevant.
38. Similarly, the new scheme may assist when the DFV threat is not classified as 'serious or imminent' because the perpetrator is in jail but information is required to assess the victim's risk in preparation for his release. In particular, the Chapter 5A sharing scheme may assist when the information sought is about a third party's personal information (e.g., a prisoner release date, parole conditions or court orders relating to the perpetrator).
39. It is important that external ISEs are confident that the public officers they deal with are trained and know how to handle requests for information under Chapter 5A. If not, those officers are more likely to respond to requests with caution, causing unnecessary delays and potential risk to the victim.
40. It is fair to say however, that not all communication problems can be fixed by legislative change and the availability of a new information sharing option will not greatly improve information sharing if there are other blockages that remain unaddressed. Some domestic violence related services have commented on the difficulties they face on occasion when seeking information from government agencies for risk assessment and victim welfare purposes.
41. The consultation feedback did not allege systemic blockages or blatant refusals from agencies to provide information. Instead, in most cases they spoke of intermittent delays in receiving responses to requests that appeared to be caused by a lack of resources or poor internal processes within the relevant agencies to deal with requests for information in a timely manner.
42. Examples given included delays on occasion in processing requests for information about police charges, court outcomes, prisoner release dates, bail conditions and housing applications and queries. One service, when querying a delay, was advised that the person responsible for providing the information was on leave and there was no back up arrangement to cover their work. Another service was advised that the officer simply did not have time to deal with the request and it must wait for a period that the service considered unreasonable.

43. The frequency with which some domestic violence related services cite instances of delay in getting information for risk assessment and victim welfare leads me to recommend that government ISEs carry out internal reviews of their current practices, processes and response time frames when dealing with requests for information from domestic violence related services or other government ISEs, to ensure that occasions of unreasonable delay are minimised.
44. Before setting out my recommendations arising out of the review, I will make some comments about broader matters arising out of consultations. Some of these matters are directly related to the Chapter 5A reforms. Others are only indirectly related but, in my view, should be considered if information sharing across the DFV sector is to improve.
45. Many domestic violence related services acknowledged the significant challenges for government and the wider DFV network in providing cohesive service delivery and support to victims across the NT. They also expressed a very live concern that some vulnerable women are falling through the cracks. One reason given was that there needs to be better co-ordination and collaboration of services and support to try to provide victims with a better safety net, particularly when they are facing an ongoing risk of harm. For this reason, the comprehensive work done by the Domestic, Family and Sexual Violence Interagency Coordination and Reform Office (ICRO) titled 'Mapping of current investment and activity to prevent and respond to domestic and family violence in the Northern Territory'²⁸, along with other service information²⁹ provides a valuable basis to identify service availability and to determine where the shortfalls lie and how they might be addressed.
46. Stakeholders raised concerns about specific aspects of the Chapter 5A reforms that have also been considered in a legislative review undertaken by AGD³⁰ which proposed some changes to Chapter 5A. One change will deal with concerns expressed by some ISEs about the need to clarify their ability to 'collect' relevant information under Chapter 5A. Another will make the process for becoming an ISE quicker and simpler for the lead agency to implement. Both of these initiatives will assist in the rollout of the scheme.³¹

²⁸ https://tfhc.nt.gov.au/_data/assets/pdf_file/0007/1274038/dfsv-mapping-report.pdf.

²⁹ [Get help for domestic, family and sexual violence | NT.GOV.AU](#); [Domestic, Family & Sexual Violence - NTcommunity](#); [BushTel - Remote Communities of the NT](#).

³⁰ Northern Territory Government, *Summary-Review of Legislation and the Justice Response to Domestic and Family Violence in the Northern Territory for Consultation* published by NTG in August 2022, p6. Accessed at <https://justice.nt.gov.au/law-reform-reviews/published-reports-outcomes-and-historical-consultations/historical/2022/review-of-legislation-and-the-justice-responses-to-domestic-and-family-violence-in-the-northern-territory>

NTG Newsroom, *Domestic and Family Violence Exposure Draft Bill now open for comment*, 1 June 2023 accessed at https://newsroom.nt.gov.au/article/_nocache?id=2b1175f5636150859584f0e06d443af2.

³¹ The changes have been incorporated in the *Justice Legislation Amendment (Domestic and Family Violence) Bill 2023*, passed by the Legislative Assembly on 28 November 2023 (clause 33).

47. One large domestic violence related service asked that consideration be given to the impact on their already tight resources³² of properly training staff and implementing policies and processes to comply with the DFV Act. In their view, only the specialist unit in their organisation should be making decisions on DFV risk assessment so they are the only ones that need training about Chapter 5A reforms.
48. An alternative view however, is that the only way to guarantee a consistent approach to DFV and the assessment of risk is to ensure that organisations as a whole adopt and implement policies, processes and training that ensure compliance with the DFV Guidelines and the DFV Act. As a result, all relevant staff will know what to do when a request for information is received or information is sought under Chapter 5A. Further, all relevant employees across the organisation will have an understanding of the RAMF and its purpose. While the DFV Guidelines make it clear that a gardener or a mechanic will not need training, other employees (e.g., a housing officer or a health officer) who might become aware of a DFV issue should be trained.
49. From a policy perspective, there appear to be good reasons for broader training but the concerns of large organisations about the impact on their resources is relevant. In these circumstances, it may assist larger organisations to have more detailed guidance and support provided on what becoming an ISE will mean for them, including support and advice on policy and training requirements. It would make sense for different types of training to be tailored to the differing needs and responsibilities of employees within a large ISE.
50. For these reasons, I encourage the provision of guidance and support to larger organisations considering whether to become an ISE. I also support the provision of some finite financial or other resource for domestic violence related services who become ISEs.
51. There appears to be general support for a new requirement that ISEs provide information to an oversight or governance body on an annual basis to assist that body in monitoring the progress of these reforms, responding to concerns raised and applying an evidence based and holistic approach to addressing issues raised.
52. Some proposed the Cross Agency Working Group (CAWG) as an appropriate body. Although ISEs generally supported an annual reporting requirement, some were concerned about the impact on their resources if they were required to provide quantitative data³³. Although there may be benefits gained from the availability of quantitative data from ISEs, further consultation is required to decide whether a reporting obligation requiring quantitative data would prove to be a substantial barrier discouraging domestic violence related services from joining the scheme.

³² See, for example, concerns raised by NGO representatives about *'the significant levels of demand across the NT, and about funding levels not keeping up with demand and other cost pressures, including wage and superannuation increases.'* Domestic, Family and Sexual Violence Cross Agency Working Group (CAWG) – Communique from Meeting 18 on 21 February 2023, p3, accessed online at https://tfhc.nt.gov.au/data/assets/pdf_file/0008/1208663/cawg-communique-18-20230222.pdf.

³³ See Formal Consultation with NT Government Agencies at Chapter 7 and Annexure 1.

53. For this reason, I propose that annual reporting from ISEs to a cross-sector governance body be required, with initial limits on the amount of information sought. The types of information sought would be a matter for consideration by that governance body but would likely include details of the progress of implementation of each organisation as an ISE and its compliance with the DFV Guidelines, details of training undertaken by staff, general information about the level of usage of the DFV Act as regards information sharing and any adverse consequences, concerns or complaints. Quantitative data on the number of information requests received or made could be provided but would not be required at this stage.
54. Noting that a governance body would need to be chosen, the DFV Guidelines and Regulations amended and ISEs informed, the requirement for ISEs to submit an annual report would not be immediate. Time should be provided for these preparatory steps to be undertaken. The benefits of a requirement for provision of quantitative data could be considered more fully in the next statutory review.³⁴
55. Although the adoption of Chapter 5A provisions for information sharing may have had a slow start, the good news is that the Risk Assessment and Management Framework (**RAMF**) and the Common Risk Assessment Tool (**CRAT**) introduced under the Chapter 5A reforms appear to be being utilised and accepted as sound risk management tools by much of the DFV support network (ISEs and non-ISEs). This is a welcome development as the RAMF and CRAT provide a common language for risk assessment and potentially, a platform for a wider understanding of the Chapter 5A information sharing option.
56. It should be noted that although the RAMF (and the CRAT) are gaining support, there are some service providers that consider they may not cover all circumstances. Comments made (but not elaborated upon) included a perceived lack of information in the CRAT about the perpetrator, concerns about confidentiality of information disclosed and consideration of the particular challenges for victims in some remote communities. Noting the importance of the RAMF and the CRAT to ensure a common language for risk assessment is utilised by stakeholders across the NT, an anticipated review of the RAMF and the CRAT is supported.
57. One of our recommendations is that consideration be given to introduction of a simplified CRAT to assist frontline police officers and for wider use by other agencies and organisations in cases where a quick preliminary risk assessment is required or time is of the essence. Such adaptations have been mentioned by some stakeholders during consultation and it would be counterproductive for them to be made in a piecemeal fashion when a strength of Chapter 5A is its consistency of approach. I am pleased to see that this recommendation is aligned with proposed actions in Action Plan 2.³⁵
58. The growing acceptance of the RAMF (and the CRAT) has been assisted by the Family Safety Framework (**FSF**), an established information sharing scheme aimed at providing support and access to services for victims facing high risk DFV situations. The FSF is facilitated by NT Police. It has been in operation in Alice Springs, Darwin, Tennant Creek,

³⁴ See also comment regarding government's reluctance to consider this recommendation at paragraph 157.

³⁵ Action 4.1d and Action 2.4b of Action Plan 2.

Katherine, Nhulunbuy and Yuendumu for several years. It provides “an action-based integrated service response to individuals and families experiencing domestic and family violence ... who are at high risk of serious injury or death”³⁶. The FSF appears to be trusted by DFV stakeholders generally, although comments were made during consultation about the need for a review of the Framework to ensure its current structure, policies, processes and performance were sufficiently consistent, supportive and responsive to the current ‘extraordinary’ levels of domestic violence reporting³⁷ facing the NT.

59. Noting that the FSF only deals with the most serious cases of DFV, many at-risk cases must be considered and dealt with through other channels such as mandatory notification and welfare checks by NT Police. The risk is that some victims of domestic and family violence might fall through the cracks if their immediate safety risk is not identified as sufficiently serious or the evidence of risk is not sufficiently clear to warrant or enable referral to the FSF. Several stakeholders identified the risk of victims not being supported by appropriate services in these circumstances.
60. Many stakeholders who were consulted as part of this review are supportive of an expansion of the FSF to enable it to deal with slightly less serious or unclear cases through a second tier of FSF meetings. Others worry about the significant impact that such a change might have on their already stretched resources. In that regard, it is noted that there has been mapping work done to identify where gaps in service delivery and support may lie, which will hopefully encourage better coordination and collaboration across government agencies and external services to assist vulnerable women, not only in a time of crisis but also as they try to navigate life for themselves and their children after a DFV incident or incidents have occurred.
61. It may be that stakeholders themselves can propose better ways of addressing the risks faced by victims who don’t meet the FSF criteria but still require information, help and support to protect them from harm. No recommendation is made regarding this broader issue. It is noted to inform future consideration.
62. Because the Chapter 5A information sharing scheme is relatively new and still being implemented, no DFV victims were contacted for feedback. However, many providers and agencies commented on a deep concern held by some victims, particularly Aboriginal women, that sharing information about their circumstances could lead to their children being removed from them. This is particularly the case if they have housing issues that might see them being forced to return to live with the perpetrator.

³⁶ See NT Police, Fire & Emergency Services website, *Family Safety Framework*, accessed at <https://pfes.nt.gov.au/police/community-safety/family-safety-framework>.

³⁷ Australian Broadcasting Corporation, *Domestic violence calls 'overwhelming' NT Police, Acting Commissioner Michael Murphy says*, 19 July 2023, accessed at <https://www.abc.net.au/news/2023-07-19/nt-domestic-violence-calls-overwhelming-police-commissioner-says/102619294>.

63. Providers spoke of the need to understand and address this concern in a culturally appropriate manner and to provide victims with sound options and support programs that prioritise keeping women and their children safe and together wherever possible. Current government responses such as programs to address emergency and longer term housing needs for victims and their families are welcome steps³⁸. In relation to this review, the more emphasis that is placed on providing safe options for victims and their children to stay together, the more they will seek the support of ISEs, trusting them to protect their interests and to share their information appropriately.
64. More generally, some providers spoke of the challenge for some remote victims in understanding what might happen to them if they complain of domestic, family or sexual violence and where they might get help. The perceived lack of appropriate community and individual education training tools for victims and their families (particularly those living in more remote communities) to help them understand the legal and other processes and their avenues for support was raised as a concern. If victims don't seek help, then no amount of responsible information sharing between ISEs will assist them because their plight will remain unheard. Again, the discussion of this issue is raised to inform future consideration.
65. On a related point, it is hoped that a properly resourced statutory review of Chapter 5A after 5 years will capture the voices of victims, including Aboriginal victims, in a way that promotes cultural safety and offers further insight into their individual concerns.
66. Finally, it is recommended that a clearer privacy notice be published on the Territory Families website to explain more fully the impact of the various information sharing schemes (including Chapter 5A) on an individual's privacy. Other government ISEs could then provide a link to this privacy notice on their own websites.
67. The review has not identified any adverse impacts arising from implementation of the scheme, such as concerns about an ISE requiring information from another ISE in circumstances that were inappropriate. It is apparent however that there remains a level of mistrust or disjunction that is hampering the responsible sharing of information between some government agencies and also with some external domestic violence related services. It is also hampering the willingness of some domestic violence related services to become ISEs.
68. More needs to be done to improve communication flows and trust relationships and this will only happen through ongoing consultation, collaboration, training and support both within government ISEs and with external domestic violence related services. If, after 5 years, concerns remain about sharing between government ISEs, they will need to be specifically identified and addressed. If domestic violence related services remain reluctant to become ISEs because of ongoing trust issues and client confidentiality concerns, consideration may need to be given to options such as a limiting or removing the capacity of government ISEs to require the provision of information.

³⁸ For example Northern Territory Government Media Release, 6 July 2023- *Pilot program to support housing needs for domestic violence survivors* accessed at <https://newsroom.nt.gov.au/article/?nocache?id=2b1175f5636150859584f0e06d443af2>.

69. For many reasons, including those discussed above, it is too early to confidently evaluate the benefit to victims and stakeholders of the information sharing aspects of Chapter 5A. Instead, this review acts as a progress report on implementation and summarises the feedback received from consultation with a wide range of stakeholders. It is also important to acknowledge that information sharing challenges cannot be completely addressed by Chapter 5A reforms. Legislative change must be combined with leadership, cultural change, trust building and the removal of practical and structural barriers that impact on effective information sharing.
70. The recommendations that follow place an emphasis going forward with training, consultation and increased resources to support the scheme. They also raise for consideration and potential reform wider issues that impact on the quality and effectiveness of information sharing generally in the DFV space.
71. Government ISE's response to the draft recommendations can be found at Annexure 2. Account has been taken of the feedback provided, resulting in the removal or amendment of some draft recommendations. The final recommendations are set out on following pages.

Recommendations

Recommendation 1

That additional resources be provided to facilitate a significant increase in the variety and number of training options available to ISEs and domestic violence related services on Chapter 5A information sharing and on other information sharing schemes, with the aim of increasing awareness and understanding of information sharing options across the NT in the DFV space.

Such training may be combined with training on the RAMF and CRAT but needs to be designed to ensure relevant stakeholders are properly informed about the Chapter 5A scheme and how it may relate to their work. It is important that consultation occurs with large organisations to discuss their concerns and identify whether an offer of additional and ongoing education, training and support from government might encourage them to become an ISE.

Recommendation 2

Complementary to Recommendation 1, specific consideration and resources are required to identify and implement contemporary best practice methods to engage and inform remote domestic violence related services and their employees about Chapter 5A. Subject to expert advice, training may include face-to-face staff training in remote locations, a training program for managers, a 'train the trainer program', online induction and refresher training and videos, financial assistance for remote staff or managers to attend training and the creation of simple tools in language.

Further, following consultation to clearly identify their individual needs, that assistance be offered to approved ISEs to guide them in the steps they are required to take to align their policies and practices with the DFV Guidelines and the DFV Act. This might include a self-audit tool to assist ISEs in evaluating their progress towards compliance and an ISE implementation plan, providing draft precedents of internal policies to be used as a guide, along with case studies and a draft privacy notice to clients addressing information sharing.

Recommendation 3

Additional training resources and support are required to ensure that all relevant public officers in government ISEs are trained and aware of the Chapter 5A information sharing scheme and know what their rights and responsibilities are with respect to Chapter 5A and the DFV Guidelines.

Such training should promote an understanding of the RAMF and CRAT and the interrelationship between the Chapter 5A scheme and other legislative information sharing options. The training may be tailored to the needs of various public officers and public bodies depending on their responsibilities for DFV risk assessment and decision-making. Public officers should also know who is their contact officer or officers if they need advice e.g., on a risk assessment for a victim of domestic violence or a Chapter 5A request to provide information.

Recommendation 4

Noting that communication and collaboration is vital for an information sharing scheme to be effective, that greater prominence (and if required resources) be given to the centralised telephone/email enquiry lines for policy/non-legal advice for domestic violence related services and ISEs. While calls for victim support or emergencies will always be dealt with by existing services (NT Police, 1800RESPECT and other services), greater knowledge of the availability of a policy/non-legal advice service would assist stakeholders including ISEs in understanding and complying with the statutory obligations imposed by Chapter 5A.³⁹

Recommendation 5

Noting the limited uptake by domestic violence related services of the option to become an ISE and their concerns about the resource implications of such a decision, that consideration be given to providing approved ISEs with a one-off grant or other form of support to assist them in reviewing their internal policy frameworks to incorporate Chapter 5A sharing and to ensure their core business can continue while staff members are attending training.

³⁹ See footnote 103.

Recommendation 6

That there be a requirement for annual reporting from ISEs to a centralised cross-sector governance body nominated to oversight the Chapter 5A information sharing scheme, manage complaints and receive, consider and respond to feedback from ISEs (government and non-government) and other domestic violence related services regarding DFV information sharing issues.

The types of information sought would be a matter for consideration by that governance body but would likely include details of the progress of implementation of the organisation as an ISE and its compliance with the DFV Guidelines and the DFV Act, details of training undertaken by staff, general information about the level of usage of Chapter 5A information sharing and any adverse consequences or concerns. Quantitative data (e.g. on the precise number of information requests received or made) may be provided by an ISE but would not be required at this stage.

Noting that a governance body would need to be chosen or established, the DFV Guidelines and Regulations amended and ISEs informed, the requirement for ISEs to provide information should not be immediate. Reasonable time should be allowed for these preparatory steps to occur. The question whether quantitative data should be required to be provided could be considered more fully in the next statutory review.

Recommendation 7

There is an ongoing need for government to work with domestic violence support services that provide legal support to victims to explore their confidentiality concerns about becoming an ISE and to consider how those concerns can be addressed.

Recommendation 8

DFV victims and domestic violence related services not yet specifically considered for training and community education about Chapter 5A include those from the disability, migrant, older women and LGBTIQ+ sectors. These services need education and training about Chapter 5A and practical ongoing support should they elect to become an ISE.

Similarly, non-government schools should be consulted and provided with education, training and support.

Recommendation 9

Noting that the RAMF provides a vehicle for a common approach to DFV risk assessment across the NT, a proposed review of the RAMF is supported.

Consideration should also be given to the benefits (or otherwise) of introducing and utilising a simplified CRAT to assist frontline police officers and for wider use by other agencies and organisations in circumstances where a quick preliminary risk assessment is required or time is of the essence.

Recommendation 10

That the five year statutory review be sufficiently funded to enable the Information Commissioner to engage appropriate experts and provide a more in-depth analysis and review of the impact and outcomes of the Chapter 5A reforms. For example, consultation with victims and questionnaires and surveys targeted at different stakeholder interests require specific expertise in communication, design and interpretation, particularly if the voices of victims, including Aboriginal victims, are to be considered.

Noting that any new information sharing scheme sits against a background of existing service delivery and support structures, the following recommendations raise for consideration and potential reform wider issues that impact on the quality and effectiveness of information sharing generally across the DFV space.

Recommendation 11

Noting that several factors within an organisation can impact on effective communication processes, that Government ISEs conduct internal reviews of their practices and response timeframes to requests for DFV information made by other ISEs to ensure the occurrence of unreasonable delay in providing information for risk assessment and victim support purposes is minimised.

Recommendation 12

Consideration be given to identifying and implementing culturally sensitive options to address concerns of many victims that their children may be removed from them or they may otherwise be harmed or disadvantaged if they report DFV.

Such options will help to build trust between victims and the relevant agencies and support services and thus improve opportunities for good information sharing to keep women and children safe.

Recommendation 13

A clearer privacy policy/statement should be published on the Territory Families website to explain more fully the impact of the various information sharing schemes (including Chapter 5A) on an individual's privacy.

Chapter 2 - Background and context

72. Domestic and family violence is a major issue for governments and for the community both in the Northern Territory⁴⁰ and across Australia. It is a current focus in terms of time, energy and resources for governments and stakeholder groups. In simple terms, domestic violence is when a partner, ex-partner or family member harms another family member. A family member might include a partner, ex-partner, a relative, a housemate, carer or guardian. It can include physical harm, threatening behaviour, verbal and emotional abuse, neglect and financial exploitation.⁴¹
73. It does not discriminate and impacts on individuals and families of every race, age and socio-economic class. However, *'the burden of domestic, family and sexual violence is disproportionately carried by Aboriginal women and children as victims and Aboriginal men as perpetrators. The victimisation rates for Aboriginal people in the Northern Territory are approximately 18 times higher than for non-Aboriginal people. This is significantly higher than in other states'*⁴². It has also been reported that:

*'Aboriginal women in the NT are 40 times more likely to be hospitalised as a result of domestic, family and sexual violence. Of all sexual assault victims, 91 per cent are Aboriginal women and girls.'*⁴³

74. The submission made by NTCOSS to the *Inquiry into domestic family and sexual violence* is compelling reading.⁴⁴ It highlights many of the particular challenges for the Northern Territory in addressing domestic violence:

'Challenges in addressing rates of DFSV in the NT are also impacted by geographical factors, with around 20% of the NT population living in Very Remote areas, and around 20% of the NT population living in Remote areas. Providing effective service responses to support victims and perpetrators of DFSV in Very Remote and Remote Areas is a unique and complex challenge, with undersupply of effective responses to DFSV a present risk.

The complexity of DFSV in the NT is compounded by numerous factors. The NT has a complex and culturally diverse population;

- *The NT has the highest proportion of Aboriginal and Torres Strait Islander peoples in Australia;*

⁴⁰ See NTCOSS Submission to the *'Inquiry into domestic, family and sexual violence*, August 2020, accessed online at <https://ntcross.org.au/ntcross-submissions/inquiry-into-domestic-family-and-sexual-violence/>.

⁴¹ See NTG website at <https://nt.gov.au/law/crime/domestic-family-and-sexual-violence/about-domestic-family-and-sexual-violence>.

⁴² The Northern Territory's Domestic, Family & Sexual Violence Reduction Framework 2018-2028 Safe, Respected and Free from Violence Reduction Framework 2018 – 2028 at page 5, https://territoryfamilies.nt.gov.au/_data/assets/pdf_file/0006/464775/Domestic,-Family-and-Sexual-Violence-Reduction-Framework.pdf.

⁴³ NTG Newsroom media release from Kate Worden, Minister for Prevention of Domestic, Family and Sexual Violence, *Aboriginal Advisory Board on Domestic, Family and Sexual Violence* on 17 February 2023.

⁴⁴ See supra at Fn.41.

- *Twenty per cent of the NT population was born overseas;*
- *More than 100 Aboriginal languages and dialects are spoken in the NT;*
- *The NT has the highest rate of people experiencing homelessness in Australia; and*
- *The NT has the deepest poverty rates, with nearly 45% of all Aboriginal households living below the poverty line.’ [references omitted]*

75. The submissions to this inquiry from NTCOSS and NPYWC note that COVID-19 further isolated victims and their children and made them more vulnerable to DFSV and more difficult to protect and support.⁴⁵

Action by governments

76. In response to these serious issues impacting on our society, numerous initiatives have been introduced by both the NT and Australian Governments to combat domestic and family violence. These include the implementation by the NT Government of the *Safe, Respected and Free from Violence Reduction Framework 2018 – 2028*⁴⁶, aimed at ‘providing a shared vision and commitment for a future where women and children are safe and families are supported’⁴⁷ and participation in the National Agreement on *Closing the Gap*, an agreement between Australian state, territory and federal governments which, *inter alia*, aims to reduce the rate of all forms of family violence and abuse against Aboriginal and Torres Strait Island women and children by 50% by 2031.
77. In recent years, significant additional funding has been allocated by both NT and Australian governments to assist in addressing domestic, family and sexual violence in the Northern Territory.⁴⁸

⁴⁵ <https://ntcross.org.au/ntcross-submissions/inquiry-into-domestic-family-and-sexual-violence/>
https://www.aph.gov.au/Parliamentary_Business/Committees/House/Social_Policy_and_Legal_Affairs/Family_violence/Submissions.

See also NPYWC Submission 104 to inquiry-into-domestic-family-and-sexual-violence, 21 July 2020 at response to question i) accessed at - <https://www.npywc.org.au/wp-content/uploads/House-of-Reps-enquiry-into-DFSV-NPYWC-Submission.pdf>.

⁴⁶ The Northern Territory’s *Domestic, Family & Sexual Violence Reduction Framework 2018-2028 Safe, Respected and Free from Violence Reduction Framework 2018 – 2028*, accessed online at: https://territoryfamilies.nt.gov.au/_data/assets/pdf_file/0006/464775/Domestic,-Family-and-Sexual-Violence-Reduction-Framework.pdf.

⁴⁷ NT Chief Minister and Minister’s Foreword at p2 to *Safe Respected and Free from Violence Reduction Framework 2018-2028*, *Ibid* at Fn 47.

⁴⁸ For example, the Australian Government is funding a range of initiatives to help deliver the *National Plan to End Violence against Women and Children 2022-2032*, accessed at <https://ministers.dss.gov.au/media-releases/11156>; Media Release from Ministers for the Department of Social Services, 5 December 2023, accessed at <https://ministers.dss.gov.au/transcripts/13401> re federal support to fight domestic violence in Alice Springs; Media Release from Ministers for the Department of Social Services, 18 December 2023, accessed at [Support for Aboriginal and Torres Strait Islander-led organisations to address family, domestic and sexual violence | Department of Social Services Ministers \(dss.gov.au\)](https://ministers.dss.gov.au/transcripts/13401);

NTG Newsroom, *\$5.1 Million in Grant Funding for the Domestic, Family and Sexual Violence Sector and Establishment of a new Reform Office*, 14 June 2022, accessed at <https://newsroom.nt.gov.au/article/?nocache?id=55f1b18520bc140dfd75e34d7ba39cd1>; NTG Newsroom,

78. The particular need for better information sharing between government agencies themselves and with external support organisations has long been an issue raised by stakeholders. Experts who work with victims and perpetrators of domestic and family violence in the Territory and beyond have repeatedly identified information sharing as a major obstacle to providing effective responses to domestic violence⁴⁹.
79. Territory Families, the lead agency responsible for Chapter 5A reforms, submits: *'The legislation was born out of advocacy from DFSV specialist services who were seeking information from government agencies to develop safety plans for their clients but were not provided this information due to a lack of legislative provision.'*⁵⁰
80. In response to concerns, a number of legislative reforms have been introduced in the past two decades that assist in significant ways with information sharing to keep women and children safe. Of note:
- The *Information Act 2002* contains a number of exceptions to the Information Privacy Principles allowing personal information to be shared without consent in various circumstances. One exception in the original *Information Act* was aimed at allowing sharing of personal information as required in circumstances of serious and imminent threat⁵¹. This exception has been amended twice in recent years and now allows personal information to be shared when a public sector organisation reasonably believes that it is necessary to lessen or prevent a serious or imminent threat to an individual's life, health or safety⁵² or a serious or imminent threat of harm to or exploitation of a child⁵³.
 - The mandatory reporting provisions in section 124A of the DFV Act were introduced in 2009⁵⁴, requiring all NT adults to report concerns about domestic and family violence to NT Police if they believe that serious physical harm has, or is likely to occur, or someone's life or safety is under serious or imminent threat.
 - In 2012, changes to the *Care and Protection of Children Act 2007*⁵⁵ enabled people or organisations classified as an 'authorised information sharer' to share information about a child or family if it relates to the child's safety and wellbeing.
 - In 2016, legislation was made to facilitate cross border registration of personal violence restraining orders.⁵⁶

BUDGET 2023 - Investing in Domestic, Family and Sexual Violence prevention and services, 21 April 2023, accessed at <https://newsroom.nt.gov.au/article/?nocache?id=a5c51d8567ee5ef847abd69423dbc1ff>; NTG Newsroom, Funding for domestic, family and sexual violence frontline services, 17 March 2023, accessed at <https://newsroom.nt.gov.au/article/?nocache?id=954c85bc293ac1439dadeeded63558e0>.

⁴⁹ NT Legislative Assembly Debates, Thursday 23 November 2017 *Domestic and Family Violence Amendment (Information Sharing) Bill 2017* (Serial 40)- Ms FYLES (Attorney-General and Justice).

⁵⁰ See p23 of response from Territory Families at Attachment 1.

⁵¹ *Information Act 2002* Schedule 2 IPP 2.1(d).

⁵² See *Domestic and Family Violence Amendment (Information Sharing) Act 2018*, Part 3 s11.

⁵³ See *Information Amendment Act 2011*, s10(4).

⁵⁴ s124A was commenced on 12 March 2009 (ins No 2 2009 s7).

⁵⁵ *Protection of Children Amendment (Information Sharing) Act 2012* (Act No. 9, 2012). Assent date 27 April 2012. Commenced 1 July 2012 (GazG24, 13 June 2012, p 4).

⁵⁶ *Personal Violence Restraining Orders Act 2016*.

81. At the time Chapter 5A was being considered however, there was a view that improvements still needed to be made to support better information sharing. Examples given included occasions where slow Agency responses to requests for information made by external support organisations such as women's refugees impeded safety planning. This was more likely to occur when the request was made for information about the perpetrator -e.g. What were his bail or parole conditions? When was he released from custody?
82. Concerns were expressed that *'complex legislation combined with professional cultures that discourage information sharing mean that critical information is lost, leaving victims and their loved ones at risk. Furthermore, social and legal support services for victims emphasise the importance of being able to reach victims at the earliest possible point in time.'*⁵⁷

Chapter 5A

83. In response to such concerns, the NTG introduced legislation aimed at improving information sharing between government agencies and external organisations.⁵⁸ The amendments to the DFV Act facilitate information sharing between prescribed agencies and approved organisations (Information Sharing Entities (ISEs)) about people experiencing or committing domestic and family violence, enabling information to be shared without consent in certain circumstances.
84. The amending Bill was introduced into Parliament on 23 November 2017. When tabled, it was noted that between September 2016 and August 2017 there were 1,877 victims of domestic and family violence related assaults for every 100,000 people, which was approximately four times the national average. Aboriginal and Torres Strait Islander women in the Territory were around 60 times more likely than non-Aboriginal women to be hospitalised as a result of violent assaults, mostly committed by their partners⁵⁹.

85. The Explanatory Statement provided a general outline of the intent as follows:

The *Domestic and Family Violence Amendment (Information Sharing) Bill 2017* ('the Bill') will provide for a new domestic and family violence information sharing regime, by creating a new Chapter 5A in the *Domestic and Family Violence Act* to deal with information sharing. It will designate certain government and non-government agencies to share information for the purposes of assessing whether there is a serious threat to a person because of domestic violence, responding to threats and making referrals to specialist domestic violence services. The regime will greatly simplify decision making, by creating a permissive regime in a domestic and family violence context and protecting persons acting in good faith from liability. Furthermore, it will reduce the need for victims to constantly re-tell their stories, and facilitate coordinated and timely responses.

⁵⁷ NT Legislative Assembly, Debates Thursday 23 November 2017 *Domestic and Family Violence Amendment (Information Sharing) Bill 2017* (Serial 40) - Ms FYLES (Attorney-General and Justice).

⁵⁸ *Domestic and Family Violence Amendment (Information Sharing) Bill 2017*.

⁵⁹ NT Legislative Assembly, Debates, Thursday 23 November 2017 *Domestic and Family Violence Amendment (Information Sharing) Bill 2017*(Serial 40) - Ms FYLES (Attorney-General and Justice).

The regime is based on the information sharing provisions of the *Care and Protection of Children Act 2007*, as well as the new Part 5A of the *Domestic and Family Violence Protection Act 2012 (Qld)* and the *Family Violence Protection Amendment (Information Sharing) Act (Vic)*.⁶⁰

86. The Bill was referred to the Social Policy Scrutiny Committee of the NT Legislative Assembly for consideration⁶¹. Several submissions were received by the Committee, with the concerns expressed including:

- the need for meaningful consultation and adequate resourcing of a new information-sharing scheme⁶²
- the importance of obtaining a victim's consent wherever possible⁶³
- NT Police not contacting DV support agencies when called to an incident or DV support agencies being unaware that a woman they have had dealings with in the past is a victim in further criminal proceedings⁶⁴
- a concern that information is shared freely between agencies with little regard for the victim's privacy, particularly Aboriginal victims⁶⁵
- a reluctance to share information because of privacy or confidentiality reasons⁶⁶
- a reluctance to share information because of lack of control - what will happen to this information if I share it?⁶⁷
- the need for legislative change (if any) to be supported by sound guidelines, ongoing education and training of domestic violence practitioners, collaborative and proactive steps to identify and address all information-sharing blockages and secure record-keeping requirements and practices⁶⁸

⁶⁰NT Legislative Assembly, Explanatory Statement -*Domestic and Family Violence Amendment (Information Sharing) Bill 2017*, (Serial 40).

⁶¹ See https://parliament.nt.gov.au/_data/assets/pdf_file/0007/488923/40-2017-Inquiry-into-the-Domestic-and-Family-Violence-Information-Sharing-Bill-2017.pdf

⁶² See https://parliament.nt.gov.au/_data/assets/pdf_file/0007/479986/Submission-4-Northern-Territory-Council-of-Social-Services.pdf ; https://parliament.nt.gov.au/_data/assets/pdf_file/0011/482159/Submission-7-Domestic-and-Family-Violence-Network.pdf .

⁶³ See https://parliament.nt.gov.au/_data/assets/pdf_file/0011/482159/Submission-7-Domestic-and-Family-Violence-Network.pdf .

⁴⁹ See https://parliament.nt.gov.au/_data/assets/pdf_file/0006/479985/Submission-3-Domestic-and-Family-Violence-Service-NPY-Womens-Council.pdf .

⁶⁵ See https://parliament.nt.gov.au/_data/assets/pdf_file/0011/482159/Submission-7-Domestic-and-Family-Violence-Network.pdf .

⁶⁶ See https://parliament.nt.gov.au/_data/assets/pdf_file/0005/479984/Submission-2-Northern-Territory-Legal-Aid-Commission.pdf .

⁶⁷ See https://parliament.nt.gov.au/_data/assets/pdf_file/0011/482159/Submission-7-Domestic-and-Family-Violence-Network.pdf .

⁶⁸ See https://parliament.nt.gov.au/_data/assets/pdf_file/0004/479983/Submission-1-Commissioner-for-Information-and-Public-Interest-Disclosures.pdf;

- the need for a victim's trust in their legal representative to be maintained and for victims to be made aware of any sharing of their information that might put them at risk.⁶⁹

87. The report from the Committee was completed in March 2018 and, following further consultation, the revised legislation was debated and passed on 24 October 2018 and commenced on 30 August 2019.

https://parliament.nt.gov.au/_data/assets/pdf_file/0011/482159/Submission-7-Domestic-and-Family-Violence-Network.pdf.

⁶⁹ See https://parliament.nt.gov.au/_data/assets/pdf_file/0008/479987/Submission-5-Central-Australian-Womens-Legal-Service.pdf.

Chapter 3 - Summary of Chapter 5A

88. The summary below is taken principally from the DFV Guidelines and the public information available on the lead agency's website.⁷⁰
89. Chapter 5A of the DFV Act is aimed at facilitating better, more timely information sharing between Information Sharing Entities (ISEs) leading to better support for domestic violence victims and their families.
90. A number of government agencies who work in the domestic violence space in some capacity are automatically ISEs. These include government agencies responsible for child protection, youth justice, policing, education, housing, public health, disability services, adult correctional services, courts and tribunals⁷¹ as well as non-government school principals.
91. Chapter 5A also provides a process for approving by regulation as ISEs '*any other person or entity that provides a domestic violence related service.*' The intention is to facilitate better information sharing for non-government organisations who support domestic violence victims and their families so that they can more confidently assess the risk to the victims and provide better support to them.⁷²
92. The Chapter 5A provisions differ from the information sharing provisions in Part 5.1A of the *Care and Protection of Children Act 2007* in a number of notable ways. Perhaps the most significant is that Chapter 5A of the DFV Act places more emphasis on obtaining a victim's consent to sharing their information wherever possible⁷³.
93. There are also clear safeguards to protect against the requirement to share information in specified circumstances, including in respect of legally privileged information.⁷⁴ Further, information must not be shared under Chapter 5A if the ISE has a reasonable belief that sharing the information could endanger a person's life or physical safety.⁷⁵
94. ISEs must also follow the DFV Guidelines, implementing RAMF and CRAT practices into their workplace and work practices. They remain subject to the mandatory reporting requirements under section 124A of the DFV Act - a requirement that applies to all adults in the NT. However only those staff members within ISEs who provide 'a domestic and family violence related service' have additional responsibilities under the DFV Act.
95. These staff members must comply with the DFV Guidelines. For example, when sharing domestic and family violence information, they must check that they are sharing with another ISE. They must attempt to get the consent of the victim to share their

⁷⁰ Accessed online at <https://tfhc.nt.gov.au/domestic,-family-and-sexual-violence-reduction/informationsharing>.

⁷¹ Chapter 5A does not apply to the disclosure of information by judges, registry staff and court officials in relation to, or for the purposes of, judicial or quasi-judicial functions.

⁷² A list of all ISEs is available online at <https://tfhc.nt.gov.au/domestic,-family-and-sexual-violence-reduction/informationsharing>.

⁷³ s124C(2) of the DFV Act.

⁷⁴ s124G(1)(a)(iv) of the DFV Act.

⁷⁵ s124G(1)(a)(vi) of the DFV Act.

information unless it is not safe, possible or practical to do so. They must ensure that they only share the information if it will help to assess, lessen or prevent, a serious threat to life, health, safety or welfare of a person.

96. Special consideration is given to the role of NT Police in investigating domestic violence incidents and prosecuting perpetrators. NT Police can use information received from an ISE for an investigation or a proceeding for an offence, if they consider this is in the best interests of the person experiencing domestic violence, after consultation with the ISE about the proposed use. They can use information received from an ISE without consultation for an investigation or for a proceeding for an offence if urgent circumstances require this.
97. Special consideration is also given to ISEs when circumstances support them refusing to provide information sought by another ISE. An ISE can refuse to share information if they believe on reasonable grounds that to do so could endanger a person's life or physical safety (including the life or safety of children in the household), prejudice a police investigation, coronial inquest or inquiry or proceeding in a court or tribunal, contravene lawyer-client privilege, reveal a confidential police source or contravene the *Criminal Records Spent Convictions Act* or any other Act.
98. ISEs must comply with the DFV Guidelines made by the Minister.⁷⁶ In particular, they must ensure their policies, procedures, practice guidance and tools are reviewed and updated - including alignment with the NTG DFV Risk Assessment and Management Framework to help them identify, assess and respond to DFV.
99. The DFV Guidelines require ISEs to ensure that confidential information is kept secure and that good records are kept of any Chapter 5A sharing. Draft record keeping forms have been provided to encourage compliance. If an ISE refuses to provide information to another ISE who has made a valid request, the ISE must provide the refusal in writing. Finally, ISEs must give reasonable assistance to the Information Commissioner in conducting this review.

⁷⁶ See s124N of the *DFV Act 2007* and *Policy: Domestic and Family Violence Information Sharing* https://tfhc.nt.gov.au/_data/assets/word_doc/0006/797253/Domestic-and-Family-Violence-Information-Sharing-Policy.docx.

Chapter 4 - Review framework and method

100. The information sharing reforms commenced on 30 August 2019. Section 124U requires the Information Commissioner to review the first 2 years of operation of Chapter 5A and later, to review the 3rd to 5th years. Both reviews must include consultation with the Minister and with information sharing entities (**ISEs**). The reviews must also include consideration of any adverse effects of this Chapter. The Information Commissioner's report to the Minister may include any recommendations on any matter addressed in the review. It is required to be tabled in Parliament.
101. In the 15 years since the DFV Act commenced, significant reviews⁷⁷ and legislative reforms have occurred in other Australian states and territories and internationally. Knowledge about DFV and how to address it has substantially increased⁷⁸ and information sharing schemes to assist in addressing domestic and family violence have been adopted in most jurisdictions in Australia⁷⁹.
102. Most notably, Queensland⁸⁰ and Victoria⁸¹ have implemented schemes that have features similar to the NT scheme. There are various published reviews of information sharing schemes across Australia⁸², including a performance audit report in Queensland in 2022 that raised a number of concerns about the need for better information sharing to keep people safe.⁸³ A second review of the Victorian scheme by the Family Violence Reform Implementation Monitor (the Monitor) and the Government's response were tabled in Parliament on 17 August 2023.⁸⁴

⁷⁷ For example, Victorian Royal Commission into Family Violence (2016); Queensland Special Taskforce on Domestic and Family Violence Report *Not now, Not ever: Putting an End to Domestic and Family Violence* (2015); Commonwealth Parliamentary Inquiry into Family, Domestic and Sexual Violence (2021); Queensland Women's Safety and Justice Taskforce Report, *Hear Her Voice: Addressing Coercive Control and Domestic and Family Violence in Queensland* (2021); Parliament of NSW Joint Select Committee Inquiry into Coercive Control (2021).

⁷⁸ Particularly research undertaken by the Australian National Research Organisation on Women's Safety (ANROWS)

⁷⁹ Victoria, QLD, NSW, Tasmania, ACT, NT and WA have legislation supporting DFV information sharing. SA has non-legislative guidelines.

⁸⁰ Information sharing amendments to *Domestic and Family Violence Protection Act 2012* were passed by the Queensland Parliament in October 2016 and commenced on 30 May 2017.

⁸¹ The Family Violence Information Sharing Scheme (Scheme) in Victoria was created by Part 5A of the *Family Violence Protection Act 2008*-see also <https://www.vic.gov.au/family-violence-information-sharing-scheme>

⁸² <https://www.monash.edu/arts/gender-and-family-violence/research-and-projects/completed-projects/review-of-the-victorian-information-sharing-scheme> .

⁸³ https://www.gao.qld.gov.au/sites/default/files/2022-11/Keeping%20people%20safe%20from%20domestic%20and%20family%20violence%20%28Report%205_2022%E2%80%9323%29_0.pdf .

⁸⁴ <https://www.vic.gov.au/family-violence-information-sharing-scheme-review>

103. Our report relates to the review on the first two years of the NT scheme, with substantial additional commentary on more recent progress. The review is necessarily more confined in nature and design than the comprehensive review undertaken by some larger jurisdictions such as the extensive review conducted by Monash University on the first two years of the Victorian scheme⁸⁵.
104. For example, the main stakeholder groups contacted by my Office were government agencies and domestic violence related services (NGOs) across the NT, including those approved as ISEs under the DFV Act. Victims were not contacted to seek their views as such communication requires adequate resources and specialist expertise that my Office does not possess. Further, in my view, it is too early for a noticeable impact of the legislative reforms to be recognised by agencies, let alone victims. If appropriate resources are allocated to my Office for the five year review, it should be more comprehensive in nature, including an opportunity to provide greater scope for the voice of victims.

Review process – challenges

105. A number of challenges that have impacted on this review are briefly outlined below.
106. Although informal consultation between our Office and various stakeholders has been undertaken throughout the review period, there was an unavoidable delay in undertaking and completing the review. This was principally as a result of the impact of the COVID-19 pandemic. A vital aspect of this review relies on consultation with ISEs and other stakeholders across the Territory. The ability of our Office to conduct consultation and the availability of NGOs and other stakeholders to respond during the pandemic was necessarily limited.
107. Further, our Office is very small and resource limitations (both in terms of funding and available personnel) to undertake this review impacted on timeliness. Similarly, government and non-government organisations involved in domestic violence support were also coping with many competing demands, including high rates of domestic violence reporting and requests for support and the need to implement other domestic violence reduction and prevention initiatives. As a result, there were challenges in communicating with many stakeholders (particularly remote stakeholders) and delays in others providing responses to facilitate our information gathering and finalisation of this review.
108. Our Office was acutely aware that the rollout of the Chapter 5A information sharing reforms was only one of a number of DFV initiatives being progressed across the Territory. Further, for many non-government agencies, including approved ISEs, the impact and utility of the reforms to the information sharing process were still unknown and they were unable to provide much useful feedback for the review. Finally, although ISEs are required to maintain records⁸⁶, they are not required to keep them in a form

⁸⁵ Monash University, Family Safety Victoria, *Review of the Family Violence Information Sharing Legislative Scheme Final Report*, 30 May 2020 at Recommendation 15.

⁸⁶ Accessed at https://tfhc.nt.gov.au/_data/assets/pdf_file/0019/234064/information-sharing-administrative-guidelines.pdf, at page 17. Note the Minister by regulation may make record keeping requirements for ISEs under Chapter 5A (see s127(2)(d) of the DFV Act) but none have been made.

that enables them to easily report quantitative data on the use of Chapter 5A. For these reasons, we consider that it is too early to judge the success or otherwise of the Chapter 5A reforms and this review should be viewed as a precursor to a more detailed five year review.

109. In that regard, it is relevant that the first eight external ISEs were only approved by the Minister and by Regulation on 2 June 2021, less than three months before the end of the two year review period.⁸⁷ A further five external ISEs were approved nearly 6 months later on 18 February 2022⁸⁸ and another two in early 2023. As a result, although all external ISEs have been approached and provided the opportunity to give their views and experience to assist in informing this review, only some have responded and few have provided detailed responses.
110. For these reasons, it is intended to only provide the formal responses received from relevant government agencies⁸⁹ and to summarise responses received from other stakeholders.

⁸⁷ *Domestic and Family Violence Amendment Regulations 2021* (SL No.6, 2021).

⁸⁸ *Domestic and Family Violence Amendment Regulations 2022* (SL No.2, 2022).

⁸⁹ For the more detailed written responses from the lead government agencies, see Annexure 1.

Chapter 5 - Timeline of events

A simple timeline of key events relevant to this review is set out below:

- **24 October 2018** - *Domestic and Family Violence Amendment (Information Sharing) Bill 2017* passed.
- **8 November 2018** - *Domestic and Family Violence Amendment (Information Sharing) Bill 2017* assented to.
- **December 2018 to February 2019** - Draft guidelines for Chapter 5A under section 124N of the DFV Act and resources to support the Scheme were developed with the Information Sharing Advisory Committee and other individual stakeholders.
- **March and April 2019** - Consultation undertaken on the draft information sharing guidelines and resources. The guidelines were also sent to each CEO of an ISE (at that stage only NTG agencies) with notifications of their responsibilities under the DFV Act.
- **August 2019** - Website completed and published with guidance for information sharing entities⁹⁰.
- **August 2019** - The Northern Territory Domestic and Family Violence Information Sharing Guidelines and resources first published.⁹¹ They included:
 - Information Sharing Administrative Guidelines
 - Information Sharing Scheme – FAQs
 - Flowchart – making a request for information
 - Flowchart – receiving a request for information
 - “Can I Share Information”? poster
 - Organisational Readiness Checklist
 - Example record keeping form – for an ISE receiving a request for information
 - Example record keeping form – for an ISE making a request for information
- **August 2019** - An online module was made available for the Domestic and Family Violence Information Sharing Scheme to provide a core understanding of obligations under Chapter 5A. This is hosted on the Northern Territory Government’s MyLearning platform, available to all NTG employees and some external non-government workers.⁹²

⁹⁰ See <https://tfhc.nt.gov.au/domestic-family-and-sexual-violence-reduction/informationsharing>.

⁹¹ See https://nt.gov.au/_data/assets/pdf_file/0004/949774/information-sharing-guidelines.pdf.

⁹² The course is listed in the Across Government Training – Mandatory Reporting Modules enabling access by all NTG employees. It is accessible to some external non-government workers.

- **30 August 2019** - Chapter 5A information sharing provisions commenced.
- **2019 and 2020** - Presentations and training on the information sharing scheme conducted by Territory Families for stakeholders across the NT. Individual sessions were offered and provided to organisations to help them understand what an ISE was and the benefits of signing up.
- **2020** - Australia's National Research Organisation for Women's Safety (ANROWS) contracted to conduct a consultation process that formed the basis for development of the Risk Assessment Management Framework (**RAMF**) and Common Risk Assessment Tool (**CRAT**). ANROWS met with over 44 stakeholder groups across the NT.
- **October 2020** - Publication of the RAMF⁹³ and CRAT.⁹⁴
- **Late 2020/early 2021** -
 - 26 RAMF orientation sessions (including orientation to Information Sharing) were held with all Family Safety Frameworks (FSFs) and Domestic and Family Violence Information Sharing (DFVS) networks and internally with Territory Families' work units. All of the RAMF practice guides and tools were made available publicly on the Territory Families' website, as well as additional RAMF tools developed to support implementation and increased understanding.⁹⁵ A RAMF orientation video was developed and remains available [online](#) on the Territory Families' website.⁹⁶ This video is also used in induction training of frontline child protection staff.
 - RAMF and CRAT training packages were developed, including information sharing information. There are two standalone modules for introductory and specialist workers, and one *Train the Trainer* package. There were two *Train the Trainer* sessions delivered.⁹⁷
 - Policy, procedures and guidance with respect to the RAMF and CRAT has been embedded in Territory Families' family support and child protection/out of home care program areas. DFVS is included in induction training.
- **December 2020** - Correspondence from Information Commissioner to principal government ISEs seeking preliminary responses on Chapter 5A implementation.⁹⁸

⁹³ See https://tfhc.nt.gov.au/data/assets/pdf_file/0008/942074/risk-assessment-management-framework.pdf.

⁹⁴ See https://tfhc.nt.gov.au/data/assets/pdf_file/0007/968290/RAMF-Practice-Tool-7-Common-Risk-Assessment-Tool-CRAT.pdf.

⁹⁵ See <https://tfhc.nt.gov.au/domestic,-family-and-sexual-violence-reduction/ramf>.

⁹⁶ See [Domestic and family violence risk assessment and management | Department of Territory Families, Housing and Communities](#)

⁹⁷ Information provided by Territory Families in their response in Annexure 1.

⁹⁸ Information was sought from Territory Families, Department of the Attorney General and Justice, Department of Education, Department of Health, NT Police, Fire and Emergency Services. Other ISEs such as non-government schools were not approached at this time.

- **February 2021 onwards** - RAMF training delivered through a contractual arrangement with NTCOSS in Alice Springs, Darwin, Nhulunbuy, Tennant Creek, Katherine and select remote locations.⁹⁹
- **February 2021** - Office of the Information Commissioner (OIC) presentation to Cross-Agency Working Group (CAWG) comprising representatives from government and non-government specialist DFV agencies and an Aboriginal organisation peak body. CAWG operates to oversight implementation of the Action Plan.¹⁰⁰
- **February to April 2021** - OIC received formal responses from government ISEs to earlier request for information.¹⁰¹
- **2 June 2021** - The first 8 non-government agencies approved as ISEs.
- **18 February 2022** - A further group of 5 non-government agencies approved as ISEs.
- **August 2021 to April 2022** - Informal consultation between OIC and various stakeholders.
- **May 2022** - Correspondence from Information Commissioner to Minister for Territory Families and to ISEs and other stakeholders inviting them to provide their views and experience of Chapter 5A implementation. (Note: Formal correspondence was sent to 38 stakeholder agencies and individuals, including 6 NT government departments and 13 external ISEs).
- **August to September 2022** - Formal written responses received by Information Commissioner from key government agencies.¹⁰²
- **June 2022 to June 2023** - Emails, interviews in person, online and by phone between OIC and various stakeholders. Some stakeholders were consulted several times during the consultation process with in-person consultation where possible in Darwin, Katherine and Alice Springs.
- **12 October 2022** - The Department of the Attorney-General and Justice released the *Review of Legislation and the Justice Responses to Domestic and Family Violence in the Northern Territory* for consultation.
- **23 November 2022** - Draft Executive Summary and Draft Recommendations of this review provided by OIC to DFSV ICRO for consideration and feedback.

⁹⁹ Information provided by Territory Families in their response in Annexure 1

¹⁰⁰ Domestic, Family and Sexual Violence Reduction Framework 2018-2028 Action Plan 1- online at https://territoryfamilies.nt.gov.au/_data/assets/pdf_file/0010/627895/Domestic-Family-Sexual-Violence-Reduction-Action-Plan-1.pdf; Action Plan 2 was recently released-[Domestic Family Sexual Violence Reduction Action Plan 2 \(nt.gov.au\)](#).

¹⁰¹ Information received from Territory Families, Department of the Attorney General and Justice, Department of Education, Department of Health, NT Police, Fire and Emergency Services.

¹⁰² Formal Responses from government departments received in 2022 are set out at Annexure 1.

- **6 October 2023** - Draft report provided to Territory Families and the Minister for comment.
- **23 October 2023** – Response on behalf of Government ISEs received.

Chapter 6 - Consultation with external stakeholders

111. Consultation with stakeholders outside government agencies took place via letters, phone calls, video-conference meetings, emails and in person. The external stakeholders fell within two groups, NGOs that have applied for and been approved as Information Sharing Entities (**ISEs**) and those that have not.
112. The feedback from various domestic violence related services on their information sharing experience was as varied as one would expect. Some have well established processes for collecting and receiving the information they need from government agencies and other stakeholders for risk assessment, planning and service delivery to their clients. Others experienced some difficulties in communicating and collaborating with other services and displayed a level of mistrust when dealing with some government agencies. Examples of feedback provided are set out below.

Organisation A - a domestic violence related service (and ISE)

113. Information sharing in a small community is first and foremost based on trust. Organisation A had few information sharing problems with other DFV support agencies (e.g. local Police, the local hospital, the safe house and the community health centre). In their chief executive's view, agencies and organisations have to share with each other and are generally supportive of each other and happy to share to keep families safe.
114. However, the chief executive of Organisation A knows that a number of other organisations are hesitant about becoming an ISE because they don't understand the scheme and they are concerned that information may be used against their client's best interests. In her view, the main issue is that there is not enough training available on the RAMF and the CRAT and also on the Chapter 5A information sharing provisions. Training will be the only way that misconceptions will be alleviated. As regards the most effective training, she advised that for her organisation, training in Darwin was not affordable. Instead, a trainer who visited her community and/or quality online training is the best option - preferably mandatory training for all staff so that they know they must go.
115. Organisation A needs more training on the RAMF and the CRAT as there are frequent staff changeovers so training needs to be constant. They particularly need training on how to use the CRAT. Not only safe houses but a lot of other parts of the support network need to know about the RAMF and the CRAT and should undertake training.
116. Staff of Organisation A do record information sharing interactions (e.g. notifications about DFV or child safety) but they don't identify what powers they are using to share. They don't even think about it. Organisation A acknowledged that perhaps their record keeping and security could be improved.
117. If there is to be a reporting requirement, the training needs to make clear what information needs to be recorded and reported on.

Organisation B - a domestic violence related service (not an ISE)

118. The management of Organisation B agree that good information sharing is very important but they haven't yet signed up to be an ISE because of concerns held by their governing body.
119. Organisation B is a larger NGO with a number of functions. They query whether their DFV specialist unit could apply to be the ISE, rather than the entire organisation. Alternatively, they suggest that there could be assistance provided to them to facilitate implementation of the Chapter 5A scheme in their organisation so as to allay their resource and training concerns.
120. They are concerned that an ISE might seek information from a non-DFV specialist unit that could then be used against the victim's best interests, with Organisation B having no control over information sought and disclosed and how it is used.
121. Organisation B sits on the Family Safety Framework (**FSF**) and supports its work and the need for information sharing about victims at serious risk. Organisation B also holds concerns about the fact that a victim getting support via the FSF is dependent upon a scoring system and some victims and their families slip through the gaps. Organisation B supports a review of the FSF to consider this issue.
122. Organisation B recommends a change to Chapter 5A whereby all domestic violence related services should be approved as ISEs and that there should be a process with regard to prescription with much tighter controls on information sharing and more defined roles about what parts of an organisation or what officers are able to share. Appropriate resources would need to be provided to assist with compliance.
123. Organisation B acknowledges that they experience problems with information sharing and that it is still primarily based upon trust relationships between colleagues. Staff are very busy and working in this space is very hard work, so failures and delays in sharing information are seldom a result of ill-will. However, a lack of trust is a reason why information sharing doesn't occur in some circumstances. Organisation B noted that NT Corrections is generally very good about information sharing to support victims.
124. Organisation B considers that, as with any reform, ongoing training is a very important issue and there needs to be more training options and support for the Chapter 5A sharing scheme.
125. Finally it stated that a lack of resources for domestic violence related services in recent years has impacted on service integration and information sharing within the sector.

Organisation C - a domestic violence related service (not an ISE)

126. Consideration of whether (or not) to become an ISE has been on the agenda of Organisation C's governance committee for some time. There have been delays in having a discussion about it as the majority of current members are relatively new, and with COVID-19 and the volume of demand on the service, it has not been a

priority. Concerns have been raised by the counsellors at Organisation C about the implications of becoming an ISE in regards to client confidentiality (e.g. if another ISE requires information about a counselling client to be handed over without the client's knowledge or consent). Organisation C also has concerns that once information is shared to another ISE they lose control. How will that information be stored and kept confidential by the receiving ISE? Who will have access to it? How will it be used or on-shared with other ISEs?

127. Organisation C already has close working relationships with other agencies and they do share information (with client consent). They also participate on the FSF and will share information at that forum in accordance with the IPPs. Organisation C's chief executive has spoken to other agencies and a lot of the feedback is that being an ISE hasn't made much difference so they are still not sure what the benefits are. Further, there is no central agency that "oversees" the ISE system to ensure that information is shared, used and stored correctly.
128. Organisation C staff do not consider that they experience delays or obstacles when seeking information from NT Police, Corrections, Territory Families, Health or other ISEs. Clients that are high risk are referred to the FSF so they can get the whole picture of a client's risk and put systems in place to mitigate that risk. Organisation C notes that most agencies are using the CRAT so there is a common understanding of risk and consistent risk assessment already taking place. They have good working relationships with agencies so they share relevant information already (with client consent). If a client is at imminent risk, they would share information without consent. They also adhere to mandatory reporting of child abuse and mandatory reporting of domestic violence.
129. Organisation C uses the CRAT every time they undertake a client assessment. It is a really useful tool in identifying client risk. They are able to update the CRAT as more information is shared from a client as needed. They consider it is really valuable as most agencies are using it so there is a shared understanding of mutual client's risk.

Organisation D - a domestic violence related service (not an ISE)

130. Organisation D provides legal and other services to victims. They have been involved in an information sharing scheme with a government agency in the past that they consider was ultimately not in their client's best interests. They recalled the experience of the agency taking away pieces of information about domestic violence and using it against their clients without their consent. This experience has left Organisation D with a mistrust for such schemes and a reluctance to become an ISE.
131. Organisation D does experience some problems or delays with obtaining information from various government agencies because of privacy and confidentiality concerns, particularly information about perpetrators. This is frustrating because the reason they need the information is to keep their clients safe.
132. Organisation D supports the RAMF training and requires all staff to attend. All sharing of a client's information with others is by consent.

Organisation E - a domestic violence related service (not an ISE)

133. Organisation E provides legal and other services to victims. They experience issues with delays in receiving information from agencies which can on occasion impact on risk assessment decisions for a victim. An example would be a request for information about a matter listed in court where Organisation E is unable to ascertain if the perpetrator is being held on remand or has been bailed.
134. Organisation E has experienced inconsistencies between different departments and even between officers within the same department as regards the information they are willing to share and the amount of information shared. This tends to suggest a need for more training of public officers. Examples given include:
- a police officer taking a statement from a victim at a watch house and then refusing to give it to the victim to provide to her lawyer (and then another officer willingly providing it);
 - one agency requiring a subpoena or summons before they will give out information to a victim's lawyer when another agency would willingly provide such information, suggesting an inconsistency between agencies.
135. Organisation E considers that the RAMF and CRAT are generally good, particularly when used as an assessment tool with their clients. The CRAT is also useful as a tool for referrals across services, however there are variations in how much information is provided (interpretation by services and individuals) e.g. no elaboration included and CRAT simply used by some as a 'tick & flick'. The RAMF does not consider diversity e.g. location of victim (regional, remote or rural), English as a second language or culturally diverse victims and families. A review of the RAMF is supported.
136. Organisation E is concerned about an individual's ability to access her own information held by an agency compared with the agency's ability to access information about the same individual from another agency (including the Family Court). In short, it is very difficult for an individual to access the same information about themselves and check it for accuracy and relevance.

Organisation F - a domestic violence related service (and an ISE)

137. Organisation F is a domestic violence related service providing legal support services that has elected to become an ISE. Organisation F is a non-profit organisation providing free and confidential legal assistance to women in an identified region. It offers legal assistance, advocacy, advice, and community legal education. It helps with legal issues including domestic and family violence, family law, housing, victim assistance, child protection and sexual assault.

138. Organisation F advised the following:

- There is benefit for the organisation in being an ISE. They deal with many high risk matters and they are part of the FSF in their region. Being an ISE allows them to share and obtain information to keep women and children safe.
- The current process means that they get their client's authority to seek the information at the outset. The organisation is generally getting the information it needs from government agencies within a reasonable time frame. Currently, making requests for information about housing is a very slow process but the organisation has no problems in receiving information from Community Corrections.
- There have been occasions where a request from government has been incorrectly drafted, showing further training for government officers is required.
- If a valid Chapter 5A request for information about a client is made by another ISE at some future stage, the organisation is aware that it can rely on legal privilege and other legal protections in the DFV Act to defend their client's interests by refusing. In summary, Organisation F is relatively comfortable with being an ISE.
- The organisation confirmed that some of their clients are very concerned about them sharing DFV information with the relevant government agency because of the risk that they might lose their children. The organisation noted this as a significant concern for many of their clients in complex matters. In their view, this tension can only be eased by a change in the manner in which government agencies work with victims of family violence as well as a significant increase in the resources available to women experiencing DFV in the NT.
- In their experience, Organisation F has found that clients who withhold details about DFV from government agencies do so because they are managing their safety as best they can, but have limited or no options to leave a violent partner. This is due to a large variety factors, significant among them is the housing crisis many regions are experiencing. For example, women leaving violent relationships have almost no options for medium to long term housing in Central Australia so to leave a violent partner is to be homeless.
- The organisation has observed a culture in which victims of DFV appear to be blamed by the relevant government agency for failing to protect their children rather than being provided with the necessary support to enhance the safety of their family and leave. Until there is a change in this regard, it is the Organisation's view that many clients will have serious concerns about sharing details about DFV with that agency.
- Organisation F would support consideration for the FSF being expanded to consider victims who may be at serious risk but fail to meet the FSF threshold. They would support weekly meetings to consider these cases.

Organisation G - a domestic violence related service (not an ISE)

139. Organisation G provides legal support services to women including DFV victims. Their client group includes women from rural and remote regions. Organisation G is considering becoming an ISE but they have some concerns that they would like to discuss further with the lead agency before they make any decision on the matter.
140. They have little capacity to develop an internal policy framework without additional support. They consider that their staff would need good training options, similar to the in-person RAMF training that they received. Their main problems with getting information occur when they try to seek details about the perpetrator such as prosecution timeframes, outcomes or details about custodial arrangements, bail conditions or parole. They are generally not refused information but they face delays in receiving the information sought. Organisation G support and use FSF meetings to share information by consent about clients at high risk of serious harm. They consider this process works well in their region.

Organisation H - a domestic violence related service (not an ISE)

141. Organisation H coordinates health service delivery across a number of remote communities and outstations and is considering becoming an ISE. They have a number of questions that they need guidance on before making a decision on the matter. Their concerns include:
- what to tell their clients when they collect information from them;
 - what should be on their consent/notification form;
 - what information they might be asked for by another ISE;
 - a concern that responding to a request for information or records might require considerable review and redaction of documents by them with potential resource implications for them; and
 - a concern about the availability of good training on an ongoing basis as a high turnover of staff is a constant reality for them.
142. Organisation H already shares information about victims at serious risk with the FSF and where appropriate with the Multi-Agency Community and Child Safety framework remotely. They trust the stakeholders within those structures with their client's information. They generally receive information they need to support a victim through the FSF meeting. They experience problems getting Housing information for their clients and query whether becoming an ISE might assist them in that process.
143. Organisation H supports the RAMF and CRAT and notes that RAMF training is more readily available for their staff. They consider however that there needs to be more training available on information sharing. If they become an ISE and annual reporting is required to a centralised body, they can comply.

144. The above examples of feedback from domestic violence related services are indicative of the variety of responses received and reflective of the diversity of views held by domestic violence related services across the NT. Despite their differences, there were common threads that appeared throughout much of our consultation with this sector, including the following:

- There is a lack of understanding and awareness about Chapter 5A information sharing across much of the DFV sector that means it is unlikely to be utilised as fully as it could be without additional measures being taken. The lead agency (Territory Families) has understandably prioritised training across the sector about the RAMF and the CRAT but training on the information sharing scheme also needs to be prioritised.
- Consideration needs to be given to the best ways of delivering training on information sharing. Stakeholders favoured face to face training within their communities and regions but noted that this may not always be possible. They also spoke of webinars, on-line training for new staff and as a refresher and specific training for managers who need to know what the scheme entails. They advised that training involving case studies would be helpful with examples of the types of information that might be requested and the circumstances when they could refuse.
- There needs to be further training about the Chapter 5A scheme across the sector, including government agencies which are ISEs, as there is a view that many public officers do not know about or sufficiently understand the scheme. This training should ideally include information about the various options for sharing information and how the legislative schemes overlap with each other.
- DV related services have very limited resources (both financial and personnel) to dedicate to understanding a new information sharing option and this consideration causes concern across the sector. Those consulted expressed a need for advice, support and assistance to allow them to make the best decision about their organisation joining the scheme. If they elect to do so, they are concerned about the impact of implementing the scheme on their limited resources. For example, they need to review their internal policies, processes and guidelines to ensure that they comply. They need to ensure that their staff are trained and their records management systems are compliant. The comment was made on more than one occasion that a telephone advice line would be helpful to assist organisations in responding to queries as they arise, particularly when they are establishing themselves as an ISE or considering this option.¹⁰³

¹⁰³ See Recommendation 4. The response from Government ISEs to the perceived need for a telephone advice line was that this function already exists within Territory Families' ODFVSR relating to policy and published resources but not for legal advice or referral. On viewing the website, a telephone/email contact within Territory Families is published at the base of a webpage (<https://tfhc.nt.gov.au/domestic-family-and-sexual-violence-reduction/domestic-family-and-sexual-violence-prevention>) but the contact details are only discretely promoted and, it appears, are not sufficiently well known to many potential ISEs.

- One domestic violence related service providing legal support to victims has joined the scheme. The others who were consulted willingly comply with mandatory reporting requirements regarding DFV and child abuse and most refer high risk clients to the FSF with the client's consent. Despite the fact that these agencies already share some information about vulnerable clients, their concerns include:
 - Insufficient time and resources to properly consider the benefits (or otherwise) of becoming an ISE and to properly implement the scheme within their organisation;
 - Concerns that joining the scheme may compromise the integrity of the counselling and similar support services provided to their clients, leading to a loss of their client's trust;
 - While acknowledging there are several grounds for refusal¹⁰⁴, concerns remain that the service may be required to share information with another ISE (e.g. Territory Families, Territory Housing or NT Police) without their client's knowledge or consent in circumstances other than serious risk; and
 - Concern about sensitive information provided to an ISE being on-shared to other ISEs or other bodies, potentially causing a risk or disadvantage to the victim.
- All organisations consulted expressed an interest in having further discussions with the lead agency about their concerns. Many domestic violence related services were open to becoming an ISE so long as their concerns and queries were properly addressed, including resource implications.

¹⁰⁴ An ISE can refuse to share information if they believe on reasonable grounds that to do so could endanger a person's life or physical safety (including the life or safety of children in the household), prejudice a police investigation, coronial inquest or inquiry or proceeding in a court or tribunal, contravene lawyer-client privilege, reveal a confidential police source or contravene the *Criminal Records Spent Convictions Act* or any other Act.

Chapter 7 - Consultation with NTG Agencies

145. Formal and informal consultation by our Office with relevant government agencies has been ongoing since the Chapter 5A reforms commenced although some agencies have had greater interaction than others. Consultation has comprised letters, emails, and telephone calls, online and face to face meetings. Territory Families' ODFSVR has been of great assistance throughout the review and their efforts are much appreciated.

First formal consultation with NTG ISEs

146. In December 2020, we formally consulted the lead government ISEs¹⁰⁵. We sought preliminary feedback from these agencies on the impact and effectiveness of Chapter 5A provisions on information sharing practices during the first 16 months of their operation. Where detailed information was not available, we sought the agency's observations about implementation.
147. Many agencies were unable to respond to a number of questions either at all or in detail. The main reason given was the lack of recorded information on their use of Chapter 5A. The specific questions asked are set out below in bold, followed by a summary of responses we received.

1. Has your agency shared or obtained information under Chapter 5A to date?

Although no agencies could provide specific detail, NT Police, Health and AGD confirmed that information had been shared by them under Chapter 5A.

2. Are relevant staff members sufficiently aware of the Chapter 5A provisions? If so, how did they gain this knowledge?

The ODFSVR confirmed that during the first 16 months of the scheme, they spent considerable time preparing and publishing educational material to assist ISEs. They also worked with consultants (ANROWS) on the creation of the Domestic Violence Risk Assessment Management Framework (the RAMF), the basis for a sector wide common language of risk assessment going forward.

The RAMF was published in October 2020, 14 months after Chapter 5A came into force and shortly before our Office sought interim feedback from Government ISEs.

The responses received from other Government ISEs supported a conclusion that, as at December 2020, relevant staff members had gained some basic knowledge of the scheme but were not sufficiently aware of its content to be able to fully implement it. Further, for some key agencies, existing information sharing options available under other legislation were being relied on.

¹⁰⁵ Territory Families, Education, Attorney General and Justice (including NT Corrections), Health and NT Police.

Examples of steps taken by agencies to advise their staff of Chapter 5A during this period included:

- a) an email to all school principals, staff and corporate support summarising the changes and providing links to training resources;
- b) an internal broadcast to NT Police staff and inclusion of materials in Police College training notes;
- c) emails sent to AGD Directors about their obligations under Chapter 5A and training to Corrections staff who attend FSF meetings on the provisions of the legislation and its application;
- d) provision of information to NT Health staff and clinicians about the DV Guidelines including:
 - engaging with the executive sponsors within the health services to inform them of the DFV guidelines and the requirements of implementation;
 - providing the social work team within the Central Australian Health Service (**CAHS**) with an information session about the DFV Guidelines and their implications for practice;
 - providing links to the DFV Guidelines and other relevant information and support to the health services with regard to implementation; and
 - regular check-ins with the Top End Health Service (**TEHS**).
- e) communication from the CEO to all Education staff about the Chapter 5A scheme and review and amendment of training and educational material on information sharing; and
- f) provision of information about the scheme to all Territory Families' staff and inclusion of information in staff induction training.

3. Are there plans underway to develop or extend use of Chapter 5A? If so, please describe.

The broad response from agencies was 'Not at this time'.

4. Does the Agency collect information on the use of Chapter 5A in a form that enables quantitative and qualitative data to be provided to the Commissioner?

The broad response from agencies was 'Not at this time'.

5. Whether or not such data is presently collected, please provide information on the following:

a) number of times information was shared by or with your Agency under Chapter 5A;

Not available for any agency.

b) if that is not practical, estimated or anecdotal information on the use of Chapter 5A by your staff;

NT Police provided data on the number of times they had shared information about domestic and family violence with external parties through Supportlink¹⁰⁶ but they could not identify from their data whether this sharing was as a result of the Chapter 5A reforms or other legislation.

Health advised that although not recorded by the relevant program areas, it was noted that a significant number of information sharing requests and queries that were raised directly with the Information and Privacy Unit and Legal Services Unit in Health could have been shared under Chapter 5A powers but were more commonly shared through the application of the Information Privacy Principles or other information sharing frameworks such as Part 5.1A of the *Care and Protection of Children Act 2007*.

c) a description of occasions where information was shared under Chapter 5A without consent (and why);

The responses received from agencies supported the view that personal information was provided without consent in circumstances of high risk that would likely be permissible under the IPPs but were also able to be shared under Chapter 5A. For example:

- AGD advised that Community Corrections share and receive information to assist with joint case management in high risk situations. The information shared might include Court Order conditions, compliance with Order conditions, treatment programs, personal circumstances, relationships and alcohol/drug misuse issues. They only disclose what is reasonable and necessary to assess, lessen and prevent imminent domestic violence. For example, often other agencies are not aware that an offender is being supervised by Community Corrections and what their obligations are under an Order, and Corrections can provide this information.

¹⁰⁶ NT Police advised in their interim response that over the 16 month period they had provided 2,978 referrals to external parties via Supportlink. NT Police advise that such referrals are required to be made with consent. https://www.aadant.org.au/sites/default/files/uploads/files/aadant_symp_network_referrals_presentation.pdf.

- Health commented that sharing of information would only occur without consent where there was a serious or imminent threat to the safety or wellbeing of a person.
- A comment was made that Chapter 5A may on occasion require sharing without consent in circumstances broader than the belief of a serious threat and it was submitted that there was a need for more public and stakeholder education around this possibility.

d) a description of occasions where information was requested under Chapter 5A but refused (and why);

No agencies were able to respond to this question because no information was available to enable a response.

e) any concerns raised about the information sharing experience (e.g. issues relating to the guidelines and other education materials and training (or lack thereof), the information-sharing process itself and any challenges encountered (such as a continuing reluctance of an ISE to share or any safety concerns raised by victims or their representatives);

No specific concerns were raised but most agencies expressed the need for further training. One commented that a number of NGOs attending FSF meetings were not yet ISEs and it would be better if they were.

f) how any concerns or complaints raised with your agency about Chapter 5A have been addressed;

No agencies advised of any concerns or complaints raised with them.

g) any privacy complaints received by your agency arising out of the information sharing and how they were dealt with;

No agencies were aware of any privacy complaints received by them in this regard.

h) any other adverse effects and unintended consequences of the new legislation or the manner of its implementation;

No agencies advised of any adverse effects or unintended consequences.

i) any other comments or matters you consider relevant to the effective operation of Chapter 5A.

No major issues were raised by any agency.

Comment on feedback received 16 months into scheme

148. It is perhaps unsurprising that questions to NTG ISEs about the implementation and impact of Chapter 5A elicited a rather muted response. A key objective of the scheme is to promote information sharing with non-government domestic violence related

services. Many agencies already had options for sharing information with each other. For example, Territory Families continue to rely on the information sharing powers in the *Care and Protection of Children Act 2007* as their work principally relates to the safety and well-being of children. Courts and Tribunals have their own court processes and legislation to manage their sharing and others rely on the Information Privacy Principles in the *Information Act 2002* to inform them of when they can share (e.g. by consent or in circumstances of serious threat). Thus, for many, there was perceived to be no immediate need for a further information sharing model and difficulties in sharing were more likely to be caused by delays in processing a sharing request.

149. The first non-government ISEs were not approved until June 2021, six months after the Information Commissioner sought the interim response.
150. The lack of available quantitative data was also unsurprising. It is a result of the fact that although there is a strong emphasis on the need for good record keeping in the DFV Guidelines regarding an ISE's use of Chapter 5A sharing, there is no requirement that they retain this information in a form that is easily accessible for reporting purposes.

Second formal consultation with NTG ISEs

151. In June 2022, we commenced a second stage of formal consultation with relevant NT government agencies. Correspondence sought responses to a number of questions. In many cases, agency staff were also consulted in person or by phone to obtain further insight or to clarify the response received. The written responses received are contained at Annexure 1.
152. Rather than restate the written and verbal responses received from agencies, the salient points raised by them during consultation may be broadly summarised as follows:
 - The written and verbal responses provided a picture of the implementation of Chapter 5A reforms at the end of the first two years. They also provided information on what agencies have been working on since then. Because the implementation of the reforms had a slow start for many reasons, the more recent information is of interest, particularly when considering any recommendations that might assist information sharing under Chapter 5A and generally.
 - All agencies and public officers consulted understand the need for good information sharing in the DFV space. They recognise there are problems with information sharing generally and that more needs to be done to improve it. They acknowledge that good information sharing relies on trust between the parties that the information will be kept safe and used appropriately. They recognise the need for stakeholders to understand the various options for information sharing available in various pieces of legislation, including any restrictions or limitations on sharing.

- All agencies and public officers consulted have shown support for the Risk Assessment Management Framework (**RAMF**) introduced as part of the Chapter 5A reforms and the Common Risk Assessment Tool (**CRAT**) contained within it. There is wide support for agencies becoming adept at using a common language for risk assessment as this will assist in information sharing and in keeping victims safe. The efforts of the Office of Domestic, Family & Sexual Violence Reduction (**ODFSVR**) to provide and facilitate others to provide education and training about the RAMF and the CRAT is acknowledged and supported. There is a general view however, that there is a need for greater training opportunities for public officers about the RAMF and the CRAT.
- Most agencies recognise their use of Chapter 5A powers has been limited to date. There is a widespread acknowledgement of the need for more education and training about the information sharing powers under Chapter 5A. Most agencies and public officers consulted expressed the need for greater understanding about the provisions and their rights and responsibilities as an ISE. They advised that managers need to know and understand how these new powers might be used by their teams and what training is available to provide them with this knowledge. They seek examples of how information sharing under Chapter 5A might work in their agency and how it interacts and overlaps with existing schemes.
- Some agencies and public officers commented that poor information sharing or delays in responding to a request are seldom the product of an unwillingness to share but more often the result of limited resources or processes within the agency to provide a more immediate response. Sometimes however, a delay may be caused by a public officer being unsure whether they can or cannot share in circumstances where they do not readily have a colleague or manager that they can consult with.
- The majority of agencies expressed some level of support for annual reporting but some had reservations as to the resources that would be required to make this possible. There is a clear acknowledgement from agencies that collecting and reporting using both qualitative and quantitative data would provide a sound basis for evaluating the scheme. The reservations for agencies include the fact that staff would need to be trained to properly record the data in a form that could be reported on and systems (including IT systems) would need to be introduced or adapted to facilitate reporting. It would be fair to say that these practical realities for agencies are the main reason for their reservations about introduction of mandatory reporting requirements for NTG ISEs. Some officers also expressed concern that the additional requirements might deter external domestic violence related services from joining the scheme because of the impact on resources.
- All agencies expressed support for a centralised committee to oversight the Chapter 5A scheme, deal with any issues or complaints and make recommendations for change. A suggestion from some was that this group should be the Cross-Agency Working Group (CAWG).

- Public officers expressed support for an enquiry line where they could seek some assistance from an expert on queries they might have about Chapter 5A. Currently the ODFSVR within Territory Families responds to such queries on an *ad hoc* basis but a more formalised and publicised advice line was supported.
- Public officers within agencies dealing with DFV expressed strong support for the FSF model that currently runs in larger centres across the NT. There was clear support for this information sharing model and a reasonable understanding of its rules. There was however a view expressed that too few women could be helped by the FSF as it only caters for the most serious matters and normally with consent. Comment was also made that there are regional differences as regards the manner in which assessments are made in terms of the victims and families who are accepted for consideration. The need for a review of the FSF was supported, together with support from some quarters for an expansion of the FSF or other means of coordination and collaboration to ensure that women who need help do not fall through the cracks.
- Those working to promote this scheme acknowledge that more work needs to be done to educate non-government schools and the disability, migrant, older women and LGBTIQ+ sectors about the Chapter 5A scheme.

Draft report provided for comment

153. An advanced draft report (including draft recommendations) was provided to Government ISEs and the Minister for consideration and comment on 6 October 2023. A response was received from the Acting Chief Executive Officer, Territory Families, on 23 October 2023, incorporating feedback from Government ISEs¹⁰⁷.
154. Most recommendations were accepted in part or in full and some are noted to have been partially or fully completed. However, all recommendations that were accepted are noted as to be delivered within the current resources. I have commented on the limitations of ‘finding resources from within’ in my *Executive summary*.
155. I also commented on the extensive work by the NT Government on developing the Domestic, Family Sexual Violence Reduction, Action Plan 2, which provides guidance on the way forward. I acknowledge that the Action Plan involves a substantial commitment of resources to tackling DFV but the reality is that even greater commitment is necessary, including for promotion of responsible information sharing.
156. I have made some changes to the draft recommendations based on comments and information provided in response to the draft report. However, a few responses to the draft recommendations which were not accepted warrant further comment.
157. As for recommendation 6 and reporting requirements, the clear intent of the recommendation is not to prescribe detailed reporting requirements (or any quantitative reporting requirements at this stage) but to provide for development of a

¹⁰⁷ The Response from Government ISEs to Draft Recommendations is at Annexure 2.

level of reporting (qualitative in the first instance) that will not unduly burden ISEs but will inform relevant stakeholders regarding the effectiveness of the scheme. I continue to consider this recommendation an important element in enabling review of whether the scheme is achieving its aims.

158. With regard to recommendation 7, I note non-acceptance of engagement with domestic violence legal services regarding their Chapter 5A concerns¹⁰⁸. The suggested consultation would not involve the provision of legal advice to these services, rather a greater understanding of their confidentiality concerns in the hope that those concerns may be able to be accommodated within the scheme through a better understanding of how the scheme might operate or via an amendment to the ISE Guidelines.
159. Draft Recommendation 11¹⁰⁹ (now final Recommendation 10) notes the importance of providing sufficient funding for the 5 year review. The response suggested that review funding is a matter for the Information Commissioner and their funding body. With respect, this is not a statutory review of the *Information Act* but a review required under the DFV Act. Monitoring and review is an important part of any initiative but Chapter 5A of the DFV Act falls squarely within the responsibility of Territory Families and financial responsibility for the conduct of such a review rests squarely with it.
160. Reviews such as this are incredibly resource intensive and are difficult to complete in a fulsome or timely manner, if at all, for a small independent oversight body such as the OIC. It is not a matter for my Office to seek to obtain funding for a review of this nature relating entirely to an area within the responsibility of Territory Families. The unfunded resources required to conduct this first review have already substantially diverted our time and efforts from other statutory obligations. An effective 5 year review will require considerably more work, likely including engagement of expert professional assistance. As noted previously, if information sharing (and review to establish whether or not it is working) is considered worthwhile, it needs to be adequately funded and that is a matter for Territory Families to resolve.
161. Draft Recommendation 14 has been removed to reflect the feedback from Territory Families that it is not conducting a review of the FSF. Discussion of the responses received by our Office from stakeholders during consultation is retained (at paragraphs 58 to 61) to inform any future discussion.

¹⁰⁸ See Recommendation 7 and the government response at page 7 of 14, Annexure 2.

¹⁰⁹ See the government response at page 10 of 14, Annexure 2.

Annexure 1: Responses from Government ISEs to consultation

Responses received from the following lead Government ISEs during the second round of formal consultations are attached:

- Territory Families, Housing and Communities
- Department of the Attorney General and Justice
(Note: Extensive general statistics regarding DFV in the NT were also provided in Excel spreadsheet format but have not been included in this report.)
- Northern Territory Police, Fire and Emergency Services
- Department of Health
- Department of Education.

Statutory Review of Information Sharing amendments in Chapter 5A of the Domestic and Family Violence Act 2007

Following the amendments to the *Domestic and Family Violence Act 2007* in October 2018, Territory Families (now the Department of Territory Families, Housing and Communities (TFHC)) assumed administrative responsibility for Chapter 5A, under which the new Domestic and Family Violence (DFV) Information Sharing Scheme was created.

Cabinet allocated nine months to implement key elements of the scheme by August 2019, including the administrative information sharing guidelines with which prescribed information sharing entities (ISE) must comply, and information sharing Regulations.

The amendments also included a requirement for the Northern Territory Government to develop a framework for DFV risk assessment and management, which was also the responsibility of TFHC. The Risk Assessment and Management Framework (RAMF) and Common Risk Assessment Tool (CRAT) were developed and publicly released in 2021.

Following this, TFHC has been responsible for ongoing administration of the scheme and implementation of RAMF, as well as being an ISE. The following table outlines both the work undertaken by the agency to administer the amendments and as an ISE.

This response has been formed following consultation with the following areas in TFHC:

- Research and Evaluation
- Strategic Performance
- Strategic Services
- Legal Services
- Operational Policy and Complaints Resolution
- Regional Services
- Clinical and Professional Practice
- Domestic, Family and Sexual Violence Reduction

Component of Review in relation to Chapter 5A amendments	Response					
1. Any general statistics that you may have collected or have access to that provide insight into the rate of domestic and family violence (and any changes in the rate) since the Chapter 5A amendments were commenced.	Although there has been an increase in reported domestic and family violence related offences in recent years, research shows that as work increases in prevention of violence against women, reported rates may be reflective of an increased propensity to report, rather than actual increased incidence. With the roll out of the changes under Chapter 5A, including information sharing and RAMF, there should be an increased awareness of the need to report and comfort in reporting.					
	DFV specialist services are reporting an increased demand for services, with some women’s shelters reportedly turning away at least 20 women some weeks due to the level of demand for the capacity the service can provide. Note that many services reported increases during and immediately following the Covid-19 lockdowns.					
	Specifically in relation to agency associated DFV services and responses, the following statistics are available:					
		2017-18	2018-19	2019-20	2020-21	2021-22
	Child protection notifications associated with domestic and family violence	7,436	6,788	8,545	10,548	11,377
	Substantiated investigations associated with a domestic, family or sexual violence	1,079	837	743	1,254	1,020

Statutory Review of Information Sharing amendments in Chapter 5A of the Domestic and Family Violence Act 2007

Component of Review in relation to Chapter 5A amendments	Response					
	Clients provided with crisis accommodation services ¹	4,285	3,955	3,796	4,796	3,450 ²
	Nights spent at Women's Safe Houses ¹	48,048	52,158	41,462	49,691	35,927 ²
	The increase in child protection notifications associated with DFV from 2017-18 to 2021-22 is due to improved domestic and family violence practices through implementation of the Safe and Together model, as more people are reporting incidents due to ease of reporting. The department is also better able to identify where domestic violence is a factor through integration of the improved practices.					
2. Any statistics that you may have collected or have access to that provide insight into the use of Chapter 5A by your agency and others to share information and assess risk, or any anecdotal information with respect to the same.	<p>The agency does not have a centralised record of usage of the provisions under Chapter 5A.</p> <p>Many in the agency consider the provisions for information sharing under the <i>Care and Protection of Children Act 2007</i> are more straightforward for staff i.e. information may be shared if there is any concern for the safety of a child, and hence this is more likely to be utilised over the provisions under the DFV Act in a DFV situation involving a child. The process for sharing information under DFV Act is seen as more difficult and therefore is not used as readily.</p>					

¹ From the 2020-21 financial year, these measures include data from additional remote women's safe houses that do not report into the Australian Institute of Health and Welfare's Specialist Homelessness Services Collection. These figures may also include double counting where an individual accessed services from more than one organisation.

² Data are only available for the period from 1 July 2021 to 31 March 2022. Full 2021-22 financial year data are expected to be available in September 2022.

Component of Review in relation to Chapter 5A amendments	Response
<p>Of particular interest are the circumstances where information was shared without the victim's consent.</p>	<p>Within the Child Protection and Youth Justice areas of the agency, there are very few DFV situations where a child is not involved, and therefore the use has been very limited (no specific details or numbers available). There is comprehensive policy, guidance and advice related to domestic and family violence that includes the RAMF and Chapter 5A however it is more usual that the <i>Care and Protection of Children Act 2007</i> is utilised for information sharing.</p> <p>The Housing Program of the Department has specific policy and guidance with respect to domestic and family violence effective from February 2018. This document contextualises the Family and Sexual Violence Reduction Framework 2018-2028, provides recognisable indicators of domestic and family violence and provides practical guidance on the Family Safety Framework's risk assessment, referral, seeking consent from service user for referral and meeting processes. Complementing the procedure is a service user factsheet on domestic and family violence, mandatory reporting and referral information including invitation to talk with Housing Officers for support. The procedure requires updating in light of the RAMF and Chapter 5A.</p> <p>In Central Australia, Child Protection Practitioners (CPP) report regularly working with women's shelters when conducting child protection investigations on DFV cases. This prevents victim-survivors from having to retell their story. Under the Scheme, interviews with victim-survivors and completed CRATs are requested by CPPs from women's shelters. Within this region, ISEs attend the Family Safety Framework (FSF) meetings to enable immediate information sharing to ensure victim-survivor safety. In these meetings, information on perpetrators who have six months remaining in custody is shared to ensure updated safety plans are in place.</p> <p>The Central Intake Team (CIT) is responsible for receiving DFV mandatory reports and works collaboratively with the Police to request information under the DFV Act. Information shared by Police</p>

Component of Review in relation to Chapter 5A amendments	Response
	includes the dates and description of incidents, and this assists CIT in making an appropriate assessment and referral.
<p>3. A history of training, policy and guideline publication and general support regarding Part 5A (encompassing both the information sharing scheme and the RAMF) that has been provided by your agency's Office of Domestic, Family and Sexual Violence Reduction to internal NTG and external stakeholders.</p>	<p>Draft guidelines and tools to support the Scheme were developed between December 2018 and February 2019 with the Information Sharing Advisory Committee and other individual members.</p> <p>Consultation on the draft information sharing guidelines and tools was undertaken with stakeholders working in the Territory across March and April 2019. The draft guidelines and tools were amended following consultation then approved by the CEO and publicly released. The guidelines were also sent to each CEO of an ISE (at that stage only government agencies) with notifications of their responsibilities under the DFV Act.</p> <p>Several resources on the Information Sharing Scheme were developed and are publicly available, with the complete list including:</p> <ul style="list-style-type: none"> • Information Sharing Administrative Guidelines • Information Sharing Scheme – FAQs • Flowchart – making a request for information • Flowchart – receiving a request for information • Can I Share Information poster • Organisational Readiness Checklist • Example record keeping form – for an ISE receiving a request for information • Example record keeping form – for an ISE making a request for information <p>There have been two rounds of ISE registrations for non-government organisations with a third to occur in late 2022. There are now 13 approved non-government organisation ISEs.</p>

Component of Review in relation to Chapter 5A amendments	Response
	<p>An online course was developed for the Domestic and Family Violence Information Sharing Scheme in 2019 to provide a core understanding of obligations under Chapter 5A. This is hosted on the Northern Territory Government's MyLearning platform, available to all NTG employees and external non-government workers. The course is listed in the Across Government Training – Mandatory Reporting Modules enabling access by all NTG employees.</p> <p>During 2019 and 2020, TFHC provided presentations on the new DFV Information Sharing Scheme to all DFSV networks in the NT (comprising specialist DFSV services and relevant government agencies), and the Cross Agency Working Group. Individual sessions were offered and provided to organisations to help them understand what the ISE was and the benefits of signing up. This occurred in response to a number of service providers expressing concern over the sharing of client information without their consent. These one-on-one information sessions remain available to services to assist them understanding the intent and effect of ISE. Continued advocacy and/or education for ISEs often occurs with service providers and individuals in the course of the TFHC's day-to-day work, particularly ODFSVR.</p> <p>Australia's National Research Organisation for Women's Safety (ANROWS) was contracted to conduct a consultation process that formed the basis of the development of the RAMF and CRAT. ANROWS meet with over 44 stakeholders across the Northern Territory, including legal/justice, DFSV specialist services, policy and academia roles. Following this, the drafted RAMF and CRAT were consulted on and tested by an extensive stakeholder cohort.</p> <p>This consultation and testing formed the basis of the final RAMF and CRAT in close consultation with Northern Territory Police. The process involved rounds of testing of the CRAT tool and overall feedback with key informants within the sector to finalise the framework and risk assessment tool.</p>

Component of Review in relation to Chapter 5A amendments	Response
	<p>In late 2020/early 2021, 26 RAMF orientation sessions (including orientation to IS) were held with all FSFs and DFSV networks and internally with TFHC's work units.</p> <p>A RAMF orientation video was developed and remains available online on the TFHC website, viewed 247 times. This video is also used in induction training of frontline child protection staff.</p> <p>The RAMF and CRAT training packages were developed, including IS information. There are two standalone modules for introductory and specialist workers, and one Train the Trainer package. There have been two Train the Trainer sessions delivered.</p> <p>The RAMF training is delivered through a contractual arrangement with NTCOSS in Alice Springs, Darwin, Nhulunbuy, Tennant Creek, Katherine and select remote locations since 2021.</p> <p>In 2021, there were 26 RAMF workshops (12 introductory and 14 specialist) with 467 attendees of which 195 NTG and 272 NGO employees across five locations (Darwin, Alice Springs, Nhulunbuy, Katherine and Tennant Creek).</p> <p>To date in 2022, 17 RAMF workshops have been held (4 introductory, 8 specialist, 5 combined) across the five 2021 locations and Ti Tree. Further remote sessions are planned for Galiwin'ku, and Tiwi Islands in late 2022 to meet the requests from the DFSV sector.</p> <p>The combined sessions have been delivered in locations with a smaller workforce to ensure an adequate number of attendees at sessions. Positive feedback has been received as this approach as the training acts also a cross agency relationship development process enabling the organisations under the Scheme to work better together with the DFV trends of their communities.</p>

Component of Review in relation to Chapter 5A amendments	Response
	<p>All of the RAMF practice guides and tools are available publicly on the TFHC website, as well as additional RAMF tools developed to support implementation and increased understanding. These include:</p> <ul style="list-style-type: none"> • RAMF Orientation video • RAMF Practice Guide 1 - Screening for DFV • RAMF Practice Guide 2 - Assessing DFV Risk • RAMF Practice Guide 3 - Managing DFV Risk • RAMF Practice Guide 4 - Shared Legal Responsibilities • RAMF Practice Guide 5 - Referrals • RAMF Practice Guide 6 - Record Keeping • RAMF Practice Guide 7 - A Safe, Supported and Capable Workforce • RAMF Practice Tool 1 - Principles for DFV Risk Assessment and Management • RAMF Practice Tool 2 - Different Forms of DFV • RAMF Practice Tool 3 - High Risk DFV Factors • RAMF Practice Tool 4 - Flowchart • RAMF Practice Tool 5 - DFV Indicators • RAMF Practice Tool 6 - Screening for DFV • RAMF Practice Tool 7 - Common Risk Assessment Tool (CRAT) • RAMF Practice Tool 8 - Safety Plan • RAMF Practice Tool 9 - E Safety • RAMF Frequently Asked Questions • An organisational implementation guide to support government agencies and non-government organisations in implementing the RAMF within their own organisations. The guide provides tips and checklists for activities to be undertaken as part of implementation, including aligning current policies, practices and tools with the RAMF.

Component of Review in relation to Chapter 5A amendments	Response
	<p>As referenced earlier, policy procedures and guidance with respect to the RAMF and CRAT has been embedded in TFHC's family support and child protection/out of home care program areas. DVFS is included in induction training and the Clinical and Professional Practice include DVFS content that the RAMF and IS as tools to support quality assessment.</p>
<p>4. Details of the training and support on Chapter 5A (encompassing both the information sharing scheme and the RAMF) currently provided by your agency to NTG and external stakeholders. A comment on what training and support is required to effectively support the Chapter.</p>	<p>When the Chapter 5A changes were launched, there was significant effort to increase awareness and understanding to encourage appropriate use of RAMF and IS.</p> <p>Across TFHC, the following have been delivered:</p> <ul style="list-style-type: none"> • 26 RAMF and IS orientations were held across 2019 and 2020 • RAMF orientation is now included in all Child Protection staff inductions • Approximately 40 per cent of NTG staff attendance at RAMF training in 2021 and 2022 were TFHC staff. <p>The reach of RAMF training across the agency remains a work in progress noting the breadth of programs delivered by the TFHC. Multiple NTCOSS training sessions are provided each month with deliberate extensions to remote communities creating a greater ease in accessing training. Monitoring of attendance to this training occurs to ascertain training utilisation.</p> <p>RAMF training is intended to be undertaken in a mixed group, comprising participants from a wide range of government and non-government agencies. In this way, the training reflects and models one of the key principles and intended outcomes of the RAMF itself – working towards an integrated service system with a shared understanding and practice framework. However, this does present challenges for agencies wishing to train large numbers of staff. Some agencies may prefer to have a RAMF trainer within their own agency to provide training to groups of staff. In this way, many more staff would be</p>

Component of Review in relation to Chapter 5A amendments	Response															
	<p>trained, although the outcomes for those staff in the areas of networking and learning a shared systems response would be limited.</p> <p>Train the Trainer occurred on two occasions however the participants who were approved to train RAMF have either moved positions, experienced challenges in release to train or have since left their role/Northern Territory. This model did not create the envisioned pool of trainers it intended therefore TFHC contracted NTCOSS employ a dedicated staff member to ensure the consistent provision of training across the Territory.</p> <p>Public webpages for the TFHC website were developed in 2021 for both Information Sharing and the Risk Assessment and Management Framework, to house general information and relevant resources (as outlined in section 3).</p> <table><tr><th>Webpage Stats</th><th>Jan-Dec 2021</th><th>Jan-Jul 2022</th></tr><tr><td>IS total users</td><td>427</td><td>739</td></tr><tr><td>IS Views</td><td>937</td><td>1,617</td></tr><tr><td>RAMF total users</td><td>1,272</td><td>2,245</td></tr><tr><td>RAMF views</td><td>3,365</td><td>5,883</td></tr></table> <p>Table 1 TFHC Webpage Statistics 2021-2022</p> <p>There has been a significant increase in both total users and webpage views from 2021 to 2022 for Information Sharing and RAMF webpages indicating an increase in awareness and access to the information and resources that have been made available under Chapter 5A.</p>	Webpage Stats	Jan-Dec 2021	Jan-Jul 2022	IS total users	427	739	IS Views	937	1,617	RAMF total users	1,272	2,245	RAMF views	3,365	5,883
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Component of Review in relation to Chapter 5A amendments	Response															
	<p>The online training module for the Domestic and Family Violence Information Sharing Scheme 2019 was launched in 2019. In this time there have been 352 enrolments, with 87.5 per cent from the Northern Territory Government and 12.5 per cent from non-government organisations, with an overall completion rate of 75 per cent. 41 completed the course in 2019, 63 in 2020, 79 in 2021, and 85 to date in 2022, highlighting increased access to knowledge about the changes under Chapter 5A.</p> <p>Although training on the MyLearning platform can be accessed by external non-government workers, some email address are blocked due to security issues. Examples are generic email addresses without a recognisable name or Hotmail or similar domains. Options to overcome this issue, such as converting the Scheme training to a video on YouTube are being investigated.</p> <p>RAMF training rates are not required to be reported to any agency at present, though there are opportunities to use this data for agencies to audit attendance.</p> <p>In total, 719 people have attended RAMF training since commencement.</p> <table><tr><th colspan="3">Combined 2021 and 2022 RAMF attendance</th></tr><tr><th></th><th># participants</th><th>% total participants</th></tr><tr><td>Total</td><td>719</td><td>100%</td></tr><tr><td>TFHC</td><td>109</td><td>15%</td></tr><tr><td>NTPFES</td><td>40</td><td>6%</td></tr></table>	Combined 2021 and 2022 RAMF attendance				# participants	% total participants	Total	719	100%	TFHC	109	15%	NTPFES	40	6%
Combined 2021 and 2022 RAMF attendance																
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Statutory Review of Information Sharing amendments in Chapter 5A of the Domestic and Family Violence Act 2007

Component of Review in relation to Chapter 5A amendments	Response		
		NT Health	39 5%
		Department of Education	28 4%
		Northern Territory Correctional Services (ADG)	45 6%
		Chief Minister and Cabinet	2 0%
	Totals		
		Unknown	11 2%
		NTG	274 38%
		Non-Government Organisation	264 37%
		Aboriginal Community Controlled Organisation	167 23%

Component of Review in relation to Chapter 5A amendments	Response
	<p>Central Australia TFHC leadership report strong encouragement in RAMF training attendance by staff, resulting in good uptake by child protection staff, Aboriginal Community Workers and Women's Safe House staff in 2021. This has resulted in improved collaboration and use of the Scheme with Police, Health and local DFSV services.</p> <p>Child Protection's 'Safe and Together' practice framework focuses on a DFV-informed approach to child welfare professional. Safe and Together principles align with the RAMF, enabling a congruent approach in training and practice that includes the CRAT for the department.</p> <p>The department's new data management system, CARE, has embedded the CRAT within its workflows and tool options thereby increasing its accessibility and ease of use. This system is planned for 'go live' in the first half of 2023.</p> <p>Challenges raised though the RAMF training by NTG and NGO staff included:</p> <ul style="list-style-type: none"> • RAMF training requires fundamental knowledge/training in DFV. TFHC includes DFV in all its frontline training meeting this requirement, whilst some NGO services have used their training budgets or leveraged off Grant rounds to buy in fundamental DFV training. • The costs for remote staff to travel to attend the training also makes it inaccessible for many organisations. TFHC subsidises NGO staff travel from remote areas and the NTCOSS training now moving out to remote communities. • That RAMF sessions are book up quickly. Reviews of training attendance is occurring, taking particular note of no shows. Moves are being taken to follow up agencies and/or organisations to emphasis the value of training positions. <p>Solutions considered have included online training or agencies training their staff in bulk. These options have not been pursued as both options reduce an essential outcome of the training, being cross agency</p>

Component of Review in relation to Chapter 5A amendments	Response
	information sharing, relationship formation and understanding the RAMF and CRAT through multiple agency/organisation perspectives to increase depth, efficacy and value of the training.
5. Anecdotal information or feedback on the application and effectiveness of the Guidelines under s124N of the Act. Are there any changes recommended or proposed to the Guidelines?	Nil.
6. Anecdotal information or feedback from your staff or stakeholders on the application and effectiveness of the Risk Assessment and Risk Management Framework (RAMF) approved under section 124Q (including the Common Risk Assessment Tool (CRAT)). Are the RAMF and CRAT used by relevant staff in your Agency and, to your knowledge, other stakeholders? If not, what might assist to improve their uptake?	<p>See information above on RAMF and CRAT.</p> <p>Although it is reported that an increasing number of organisations are working under the RAMF and using the CRAT, feedback has been received from some organisations that the tools are not fit for all purposes e.g. for police and for remote areas where there are limited services and housing options.</p> <p>Feedback has been received that the RAMF and CRAT are not seen as suitable in an Aboriginal context, as many women are not in a place to leave their situation, or this is not culturally appropriate. As the RAMF does not stipulate a woman to physically leave their situation, this may be a misunderstanding of the tool by a lack of training.</p> <p>Consultation undertaken by AMSANT with Aboriginal community controlled organisations (ACCOs) and other Aboriginal stakeholders and community members highlighted that many ACCOs are not using the tools or attending training as they do not feel they are suitable for using with Aboriginal and Torres Strait Islander people. However, approximately 23 per cent of training attendees are from ACCOs and feedback from training sessions has been overwhelmingly positive, with 98% of participants finding the training relevant to their needs.</p>

Component of Review in relation to Chapter 5A amendments	Response
	<p>It is understood the CRAT is being locally redeveloped to be more appropriate in different contexts. One known example is Congress in Alice Springs who has made it more culturally appropriate for their context. There are risks when these tools are redeveloped in an unmonitored way, which may result in practices that are not consistent with RAMF.</p> <p>NT Police acknowledged that Officers feel the CRAT is too long and they do not have the time to complete in full. DFSV services reported police referrals are hampered by the lack of information and incomplete CRATs. Work is commencing with NT Police as part of the DFSV ICRO to develop a modified CRAT to meet their operational needs.</p> <p>The approach to using the RAMF/CRAT across TFHC varies greatly by region. Following RAMF training, there has been an increase in the use of the CRAT by staff in Central Australia, incorporating this into the Child Protection Investigation Safety Assessment Report. In contrast, areas where staff are not trained has affected in the uptake of the CRAT, with child protection staff working through the 'Safe and Together' framework and safety planning under the 'Signs of Safety' Framework. As discussed earlier, the CRAT's inclusion in the new electronic case management system's workflow and tools will assist in consistent use.</p> <p>Limitations with the CRAT have been identified by staff across the department, acknowledging the numerical rating of each factor is dependent on the worker exercising their professional judgement and discretion over a DFV incident. Further, there are concerns that victim-survivors may slip through the system where they do not raise experiences of indicators on the CRAT. Like many new frameworks and systems, true understanding is developed over time with repeated training and practice in using the tool.</p> <p>TFHC remains continues to train staff (acknowledging staff turnover) and embedding the RAMF and CRAT. Including the CRAT in the case management system and in induction training, and in child</p>

Component of Review in relation to Chapter 5A amendments	Response
	<p>protection policy, as the primary program area working in DVF, are opportunities for system and structural supports to the RAMF, CRAT and IS.</p> <p>TFHC acknowledges that it is essential to further tease out the feedback from some Aboriginal organisations and modify the RAMF and CRAT to ensure they are universally supported.</p> <p>As outlined in the RAMF on page 13, a review and expansion in Phase 2 has been foreshadowed which will support additional guidance and tools for priority groups (including perpetrators and children), which is intended help the uptake of the RAMF and CRAT.</p> <p>The RAMF review and expansion will take place considering key principles of lived experience of DFV victim-survivors, intersectional approaches and Aboriginal self-determination to ensure the RAMF meets the needs of all Territorians.</p>
<p>7. Details of any concerns raised with your agency by staff and stakeholders about the implementation and effectiveness of Chapter 5A in improving information sharing.</p> <p>If there are barriers to its use or effectiveness, please identify them and provide comment on how those barriers might be addressed.</p>	<p>While some of concerns are detailed previously, the DFSV sector has raised concerns around confidentiality of client information, in terms of information being provided to child protection and children being removed from women who are experiencing DFSV.</p> <p>Currently only 50 per cent of funded NGO DFSV specialist services are registered ISEs, due to a reported lack of trust in the system. Specific concerns have been raised by organisations around the Scheme applying to all programs and services provided, rather than just those specific to DFV. For example, it is understood that one large organisation wanted just their DFSV program to be an ISE, not all programs delivered by the organisation.</p> <p>Concerns have also been raised by community legal services in regards to becoming an ISE. This lack of trust in the effectiveness of Chapter 5A needs to be overcome through better training and</p>

Component of Review in relation to Chapter 5A amendments	Response
	<p>understanding, not only in the NGO sector, but across NTG, and in child protection workers (noting their primary use of the information sharing provisions of the <i>Care and Protection of Children Act 2007</i>).</p> <p>It is notable that the origin of the legislation seems to have been lost in the implementation. The legislation was born out of advocacy from DFSV specialist services who were seeking information from government agencies to develop safety plans for their clients but were not provided this information due to a lack of legislative provision.</p>
<p>8. Consideration and advice on the current monitoring and governance of Chapter 5A implementation by your agency or across government.</p> <p>Is the current monitoring and governance process appropriate and sufficient to ensure that Chapter 5A meets its aim of sharing information so as to keep victims and their families safe?</p>	<p>There is no requirement upon other government agencies or non-government agencies to report on their use of, or attendance to RAMF and CRAT to TFHC.</p> <p>There is no detailed governance process across the Department. Stakeholders have raised concerns that this means there is no clear avenue for complaints under Chapter 5A, should an ISE refuse to share information. This is reported to be a contributing factor to some DFV specialist services not registering as an ISE.</p> <p>TFHC continues to work towards comprehensive adoption of the Scheme and RAMF, and acknowledges the need to further review and update internal policy and procedures across its wide ranging programs. Chapter 5A has been specifically included in TFHC policies, procedures and practice guidelines across Care and Protection and Youth Justice. Although some TFHC operated women's safe houses have incorporated the Scheme and RAMF into policies and procedures consistency between all safe houses is a work in progress (linked to remote place based RAMF training).</p> <p>Within TFHC, reporting on Chapter 5A can be included in the existing structure to provide oversight and accountability around the use of Chapter 5A in relevant program areas.</p>
<p>9. Noting that Government has committed funds to establish the DFSV Interagency</p>	<p>No role in overseeing Chapter 5A – the DFSV ICRO is not providing operational support for existing programs, but is developing a whole of government reform agenda for 2023-24 onwards. Some of the</p>

Component of Review in relation to Chapter 5A amendments	Response
Coordination and Reform Office (NTG ICRO) to coordinate Government response and future investment in DFSV prevention in partnership with non-government organisations and the Commonwealth, what role will the DFSV ICRO play in overseeing Chapter 5A?	systemic issues arising from the review, such as the implementation and embedding of the RAMF across agencies, will inform the recommendations made by the DFSV ICRO.
10. Any legislative change that is recommended or required for Chapter 5A to work effectively?	Consideration of the requirement for ISE application to be approved by name through legislative amendment processes. The legislation currently requires all new ISEs to be written into the regulations for the DFV Act which required a legal process for each agency. Operationally this has resulted in 'bulking' new ISEs so multiple organisations can be written into the regulations in the one legislative amendment process. This does result in delays between when an organisation agrees to be an ISE to the legislation being amended to formalise this. Consideration could be given to enabling an ISE to be approved by the Minister and published in the Gazette, for example.
11. Any unintended consequences?	No
12. Any other issues, concerns or recommendations that should be considered as part of this review	No

**Response to Information Commissioner
from the Department of the Attorney-General and Justice (AGD)**

**Statutory Review of Information Sharing amendments in Chapter 5A of
the *Domestic and Family Violence Act 2007* (the Act)**

Annexure A- Questions for AGD (including Solicitor for the Northern Territory (SFNT) and the Domestic Violence Legal Unit (DVLU))

General feedback:

- The Office of the Public Guardian and Public Trustee request information under Chapter 5A from Information Sharing Entities (ISEs), which is used for context around guardianship decisions.
 - The SFNT Litigation Division noted they have little interaction with Chapter 5A, as the organisations they work with, specifically the Domestic Violence Legal Service, the Respondent Early Assistance Legal Service and Top End Women's Legal Service are not registered as ISEs under Chapter 5A of the Act.
 - Additionally, NT Police are a client of SFNT and provide information to SFNT, but they are also an ISE. It was noted by SFNT that generally victims of domestic violence report to Police, who initiate applications for DVOs on their behalf. This therefore removes the need for other ISEs to make requests to SFNT for information to initiate applications on behalf of victims.
- 1. Any general statistics that you may have collected or have access to that provide insight into the rate of domestic and family violence (and any changes in the rate) since the Chapter 5A amendments were commenced.**

The general statistics on domestic and family violence are reported to the Australian Bureau of Statistics (ABS) through NT Police. Statistics collected or available to AGD are as reported by NT Police. Otherwise AGD generally does not collate any general statistics on domestic violence.

The Crime Victims Services Unit (CVSU) noted that any statistics they may capture for domestic violence related offending is unlikely to provide any insight into changes to the rates of domestic violence since the commencement of Chapter 5A. This is for several reasons, including:

- A victim of domestic and family violence (DFV) may choose to apply for financial assistance under more than one category, including domestic violence, separate injuries and/or sexual assault, and these categories often overlap.
- The CVSU regularly accepts applications in relation to criminal acts that occurred many years, even decades, before the application was made.
- The CVSU has a backlog of open applications, with an average processing time of three years, so there is a time lag between the receipt of the application and our records of final decisions.
- The Victims Register is an opt-in service, so not all victims register for the service.
- The Victims Register also only registers victims once an offender has received a custodial sentence, which may be many months after the criminal act occurred. Then the victim is removed from the register once the offender has been discharged.

NT Police also provide NT data to the ABS about DFV offenders/victims. These statistics have been provided as separate **annexures** to this submission in an excel format, as listed below.

2. **Any statistics that you may have collected or have access to that provide insight into the use of Chapter 5A by your agency to share (collect and disclose) information, or any anecdotal information with respect to the same. Of particular interest are the circumstances where information was shared without the victim's consent.**

No data is available on the use of Chapter 5A by AGD as it has not actively been used.

3. **Details of past and current training, policy and guideline publication and general support regarding Part 5A that has been/is provided by your agency to staff. If Chapter 5A provisions have been included in any training or guidance materials provided to staff, please provide details.**

No training is offered as Chapter 5A is not actively used.

4. **Anecdotal information or feedback from your staff or other stakeholders on the application and effectiveness of the Guidelines made under section 124N of the Act and the Risk Assessment and Risk Management Framework (RAMF) approved under section 124Q. Is the RAMF (including the Common Risk Assessment Tool (CRAT)) used by relevant staff in your agency?**

The use of RAMF and CRAT is limited to reliance of its application by client agencies in submissions.

As part of processes relating to support of victims and coordination of the Victims Register under Part 4 of the *Victims of Crime Rights and Services Act 2006* (VCRSA Act), CVSU noted that the Victims Register regularly requests and shares information with other ISEs in performing its functions under Part 4 of the VCRSA Act.

The CVSU welcomes any training opportunities that may be available.

5. **Details of any concerns raised with your agency by staff and stakeholders about the implementation and effectiveness of Chapter 5A in improving information sharing. If there are barriers to its use or effectiveness, please identify them and provide comment on how those barriers might be addressed.**

The lack of domestic violence legal service providers that are registered as an ISE has been identified as a barrier to implementing information sharing under Chapter 5A.

6. **Consideration and advice on the current monitoring and governance of Chapter 5A implementation by your agency or across government. Is the current monitoring and governance process appropriate and sufficient to ensure that Chapter 5A meets its aim of sharing information so as to keep victims and their families safe?**

There currently is no record of Chapter 5A implementation.

7. **Would mandatory reporting by ISEs to a governance group regarding their use of Chapter 5A be a recommendation supported by your Agency? If so, to which current or potential body would they report?**

AGD would engage in a reporting process if required however notes the limited application of Chapter 5A and potential resource implications depending on the level of detail required for reporting.

8. Any legislative changes that are recommended or required for Chapter 5A to work effectively?

AGD is a designated ISE by virtue of the section 124B definition of an 'information sharing entity' under (c) as an Agency that provides a 'domestic violence related service' through litigation services provided by SFNT and victims assistance provided through CVSU. However there has been limited need to seek instructions under Chapter 5A by these areas as the services are not 'frontline' services and are acting under instructions from clients (NT Police).

9. Any unintended consequences?

No apparent unintended consequences have been identified beyond the work areas of SFNT and CVSU meaning that AGD falls within the definition of an ISE.

However an observation was made that part of the reason why domestic violence legal service providers do not want to register as an ISE is due to a concern that it may oblige them to provide material that is perceived to be covered by legal professional privilege.

10. Any other issues, concerns or recommendations that should be considered as part of this review.

Nil.

Annexure B-Questions for Court and Tribunal Services, AGD (Courts and Tribunals)

General comments:

Court and Tribunals provide data to the ABS that includes information about DFV defendants.

- 1. Any statistics/information that you may have collected or have access to that provides insight into the use of Chapter 5A by Courts and Tribunals to share (collect and disclose) information, or any anecdotal information with respect to the same. Of particular interest are the circumstances where information was shared without the victim's consent.**

To date, AGD has only provided information in accordance with the provisions of the *Local Court Act 2015*. Anecdotally, only three requests for information have been received by the Local Court at Alice Springs (which is trialling a DV specialist court) for information under Chapter 5A. The applicant in each request was asked to request the information in accordance with the *Local Court Act 2015* rather than under Chapter 5A.

To date, the Local Court at Alice Springs has not shared information without the consent of the victim under Chapter 5A.

- 2. Details of training and support regarding Part 5A provided to staff in Courts and Tribunals. Are you satisfied that relevant staff members (including new staff) are sufficiently aware of Chapter 5A provisions? If not, what more could be done to assist their knowledge and understanding?**

The Local Court is in the process of finalising a policy for responding to or making requests pursuant to Chapter 5A. Staff are otherwise generally unaware of Chapter 5A provisions and are yet to be trained. Consequently the *Local Court Act 2015* has been relied upon.

- 3. Anecdotal information or feedback received from your staff or other stakeholders on the application and effectiveness of the Guidelines made under section 124N of the Act and the Risk Assessment and Risk Management Framework (RAMF) approved under section 124Q. Is the RAMF (including the Common Risk Assessment Tool (CRAT)) used by Courts and Tribunals staff in assessing risk?**

While the assessment and management of risk in DFV matters does not form part of the role of court staff, it is noted that that staff frequently assist victims to plan for safe access to the court building and safe participation in proceedings.

Defendants and the victims are referred to DFV specialist service providers who then undertake the CRAT (or defendant risk assessment tool) and report back to the court.

- 4. Details of any concerns raised by staff about the implementation and effectiveness of Chapter 5A in improving information sharing with the aim of keeping victims safe. If there are barriers to its use or effectiveness, please identify them and provide comment on how those barriers might be addressed.**

As awareness of Chapter 5A within the Local Court is low, there is a need for policy to be developed to apply Chapter 5A in the Local Court.

Receiving and responding to requests for information under Chapter 5A adds complexity for court registry processes as requests for information are generally received under the *Local Court Act 2015*. That Act is generally relied upon as an existing process and in accordance with court process and procedures for matters in the court jurisdiction. For Chapter 5A to be used, a policy will need to be developed and staff made aware of information sharing under Chapter 5A. Some consideration may be required as to whether Chapter 5A provides anything beyond the provision of information already available under the *Local Court Act 2015*.

5. **Are there any legislative changes that are recommended or required for Chapter 5A to work effectively?**

Nil.

6. **Are there any unintended consequences or adverse effects as a result of the Chapter 5A sharing powers?**

Use of Chapter 5A has been minimal in the Local Court, due to application of the *Local Court Act 2015* for provision of information. It may be that the information sharing provisions in Chapter 5A do not have the intended effect for application in the Local Court.

7. **Are there any other issues, concerns or recommendations that should be considered as part of this review?**

It was observed that some services and agencies are reluctant to apply to become an ISE. This restricts the scope of services and agencies that can access the information sharing scheme.

8. **If the reviewers need to discuss matters further with Courts and Tribunals, who is your nominated contact?**

Please refer to the contact details provided in the table below.

Annexure C-Specific Questions for NT Correctional Services, AGD (Corrections) (including Community Corrections)

- 1. Any statistics/information that you may have collected that provides insight into the use of Chapter 5A by Corrections staff to share (collect and disclose) information, or any anecdotal information with respect to the same. De-identified examples of the types of circumstances when information has been shared between Corrections and another ISE or ISEs using Chapter 5A provisions would be appreciated. Of particular interest are the circumstances where information was shared without the victim's consent.**

Community Corrections do not collect statistics on instances where information is shared or obtained under Chapter 5A.

Chapter 5A is used by Corrections as part of offender management processes. This is as there is often engagement with victims or their support services as part of offender management. Where victims are engaged and do disclose information, consent is generally sought prior to sharing this information with Corrections in accordance with Chapter 5A.

Information is sought by Corrections under Chapter 5A as part of the preparation of pre-sentence and parole reports under the information sharing scheme and victims generally consent to this information being disclosed to courts, police and support services.

Community Corrections regularly attend Family Safety Framework (FSF) meetings and information disclosed and received at these meetings is shared in accordance with Chapter 5A.

Engagement in the FSF is under the oversight of Community Corrections Team Leaders.

All interactions with offenders and victims are recorded in the Information Offender Management System (IOMS) however this does not record if Chapter 5A is used.

- 2. Details of training and support regarding Chapter 5A provided to staff in Corrections. Are you satisfied that relevant staff members (including new staff) are sufficiently aware of Chapter 5A provisions? If not, what more could be done to assist their knowledge and understanding?**

All Probation and Parole officers are trained in mandatory reporting provisions and are aware of aligning their practice to Chapter 5A through the RAMF.

An online orientation training course which includes two mandatory reporting modules for Domestic Violence and Child Abuse and Neglect is mandatory for Community Corrections staff. This training explains the DFV legislation and informs staff of legal obligations.

The Community Corrections Offender Management Framework (OMF) guides information sharing practices within Corrections. It outlines what information must be disclosed to other stakeholders, in what capacity and under which legislation, and when permission is required from the prisoner / offender to release information. Prisoner / offender consent is obtained during court assessment, pre-release or induction interviews.

Community Corrections work to the FSF and the experienced staff who participate in these meetings have all been trained in the use of the Common Risk Assessment Tool (CRAT). Other operational staff have also attended CRAT training however access is limited due to demand.

The OMF is currently under review. This will include consideration of Chapter 5A provisions.

It was noted that the NTG DV policy is generally difficult to access which may limit awareness.

Corrections is considering the scope of staff within Corrections that would benefit from relevant training, for example:

- Offender Program Staff (who work with offenders who are in custody and therefore not a risk to victims until released), as if these staff identified a victim / offender in the normal course of their duties (provision of programs/treatment) it could be included in case notes for consideration when offenders are released; and
 - Family Violence Program staff.
3. **Anecdotal information or feedback received from your staff or from other stakeholders on the application and effectiveness of the Guidelines made under section 124N of the Act and the Risk Assessment and Risk Management Framework (RAMF) approved under section 124Q. Is the RAMF (including the Common Risk Assessment Tool (CRAT)) generally used by Corrections staff in assessing risk?**

There is limited use of RAMF by staff who have received training. Corrections is reviewing their offender management policy which includes consideration of the Guidelines.

The CRAT is used where an offender may also be a victim of DFV. Staff are aware of the CRAT and referrals to the FSF are directed to staff trained in CRAT.

4. **Details of any concerns raised by staff about the implementation and effectiveness of Chapter 5A in improving information sharing with the aim of keeping victims safe. If there are barriers to its use or effectiveness, please identify them and provide comment on how those barriers might be addressed?**

Access to training in RAMF is limited. This is mitigated by internal processes to provide the required information to staff.

5. **Are there any legislative changes that are recommended or required for Chapter 5A to work effectively?**

No specific changes suggested however it is noted that Community Corrections support any legislative changes to share information to keep victims safe.

6. **Are there any unintended consequences or adverse effects as a result of the Chapter 5A sharing powers?**

It has been observed that the application of the CRAT may trigger trauma for victims in disclosing this information where the primary role of the person receiving the information is not in the capacity as a specialist domestic violence service (i.e. received by Corrections).

7. **Are there any other issues, concerns or recommendations that should be considered as part of this review?**

Corrections is concerned that use of the CRAT should be by individuals trained in engaging victim survivors. Evaluation and validation of the tool would be beneficial in understanding the impact of the CRAT.

8. **If the reviewers need to discuss matters further with Corrections, who is your nominated contact?**

Please refer to the contact details provided in the table below.

Annexures:

Refer to Excel spreadsheets

1.	Domestic Violence Application and Outcomes by Application Type and Region 2020_2021
2.	Custodial Episodes by Family and Domestic Violence Association and Institution
3.	Criminal DV Cases Statistics - NT 2021_2022
4.	Criminal DV Cases Statistics - Alice Springs 2021_2022
5.	ABS DV Court Statistics 2021-22

“Annexure A”

1. The commencement of Chapter 5A of the *Domestic and Family Violence Act 2007* (DV Act) requires NT Police to report back to the Information Commissioner on the 2nd, 3rd and 5th year of implementation. I now provide the 2nd year review.
2. The Information Commissioner has asked for general statistics of the information collected concerning the rate of Domestic and Family Violence pre and post Chapter 5A commencement. The statistics below show no significant change in the reporting of serious offences due to the information sharing amendments having been introduced.
3. The data reported upon is current as from June 2022 therefore these numbers are expected to rise toward the end of the year.
4. Please note the years of COVID saw a slight spike but have returned post COVID. This is not reflective of Chapter 5A commencing but believed attributable to COVID lockdowns.

DV Related Sexual Assault and Related Offences

	2018	2019	2020	2021	2022	Total
Non-assaultive sexual offences	8	13	16	15	7	59
Sexual assault	114	100	128	104	40	486
Total	122	113	144	119	47	545

Non-DV Related Sexual Assault and Related Offences

	2018	2019	2020	2021	2022	Total
Non-assaultive sexual offences	46	58	74	101	35	314
Sexual assault	276	276	275	276	104	1,207
Total	322	334	349	377	139	1,521

DV Related Assaults

	2018	2019	2020	2021	2022	Total
Common Assault	613	619	844	986	570	3,632
Serious Assault not resulting in injury	3,202	2,932	3,701	3,913	1,954	15,702
Serious Assault resulting in injury	592	483	624	861	335	2,895
Total	4,407	4,034	5,169	5,760	2,859	22,229

Non-DV Related Assaults

	2018	2019	2020	2021	2022	Total
Common Assault	1,237	1,153	1,298	1,470	679	5,837
Serious Assault not resulting in injury	975	861	964	1,037	514	4,351
Serious Assault resulting in injury	671	556	702	683	330	2,942
Total	2,883	2,570	2,964	3,190	1,523	13,130

5. The Information Commissioner has asked for statistical information on the number of domestic orders made by Police Officers under section 41(1) of the *Domestic and Family Violence Act 2007*. It must be noted there is no change in statistics since commencement of Chapter 5A. This information is displayed in the below chart.

DVO Application Type	2018	2019	2020	2021	Till 30/06/2022
Application for Domestic Violence Order	265	196	250	213	72
Application and Order for DV by Police Officer	3,127	2,907	3,265	3,422	1,530
Total	3,392	3,103	3,515	3,635	1,602

6. Below are the support link referrals with all information shared between agencies within the guidelines of Chapter 5A. These referrals are both with and without consent. This information sharing is working extremely well within the agencies allowing the victims of Domestic Violence all available service in order to provide the best protection possible.

NT Police D&FV Referral Data 01/01/2021 to 30/06/2022 (Generated Date: 01/07/2022)

Command	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Total
College	0	0	0	0	0	2	4	1	0	0	1	0	1	0	0	0	0	0	9
Crime	4	1	2	0	3	3	0	1	1	3	1	1	1	1	1	3	1	2	29
Darwin & Road Policing	66	71	80	68	53	66	79	92	78	101	92	99	130	99	103	93	118	92	1580
Northern	51	59	74	74	90	89	86	97	95	97	109	92	11	76	19	100	127	113	1639
Organised Crime, Intell & Cap.	0	0	6	1	0	0	1	1	1	0	0	0	0	2	2	0	0	0	14
Professional Standards	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Southern	48	37	44	60	56	52	62	42	64	73	66	86	85	73	83	81	87	90	1189
Territory Comms & Ops Support	0	0	1	0	0	0	0	0	1	0	1	0	0	1	0	0	0	1	5
Total	169	168	207	203	202	213	232	234	24	274	270	278	318	252	298	277	333	298	4466

Command	2021	2022 YTD
College	8	1
Crime	20	9
Darwin & Road Policing	945	635
Northern	1013	626
Organised Crim, Intelligence & Capability	10	4
Professional Standards	1	0
Southern	690	499
Territory Communications & Operation Support	3	2
Total	2690	1776

7. The Family Safety Framework (FSF) consists of Territory Families – Child Protection, Housing and Communities, Corrections, Department of Health, Department of Education, Dawn House, Catherine Booth House, DAIWS – Darwin Aboriginal and Islander Women’s Shelter, YWCA and Catholic Care NT.
8. Information is shared during the FSF meetings with all available stakeholders in order to achieve the best outcome possible for the victim/survivor. This information allows the persons to have access to resources enabling them with coping mechanisms for the current and future situations. Chapter 5A has allowed the information sharing between these agencies with greater availability.
9. The Northern Territory Police provides intensive training for the response to Domestic Violence matters. This includes a 40 hour session whilst in the Police Training College as a recruit. There is also in-service refresher training delivered to all members of the Greater Darwin area in relation to the information sharing according to Chapter 5A. This training was 8 hours in duration. During these training programs there are case studies delivered in relation to information sharing aspects of the *Domestic and Family Violence Act 2007*. I am confident members of the Northern Territory Police are aware of the provisions of Chapter 5A of the *Domestic and Family Violence Act 2007* due to the training delivered and day to day use of the Act.
10. The referred legislation is used by the Northern Territory Police in the Risk Assessment Management Framework including the Common Risk Assessment Tool. These items are not completed on every occasion when attending to a Domestic incident, they are tools used by members of the Northern Territory Police force when completing a referral to the FSF. These tools are extremely effectual in the assistance of information sharing within all of the Family Safety Framework stakeholders. The Domestic and Family Violence Sections throughout the Northern Territory use these tools regularly.
11. There are no barriers or concerns held by stakeholders within the Domestic and Family Violence area. We have explored this with the relevant stakeholders within the Darwin area. Chapter 5A has allowed for regular information flow between agencies. This information flow should continue as it does at this time.
12. The information shared in the Family Safety Framework is monitored by the chair of the FSF. This information is minuted and recorded with each meeting conducted. The information shared outside of the meeting is tabled at the meeting where it is minuted. The relevant

stakeholders complete a confidentiality agreement during each meeting in line with Chapter 5A and the current guidelines.

13. It has been identified there are agencies both GO and NGO who are unaware of Chapter 5A provisions and the information sharing. The Domestic and Family Violence Section will take the lead in educating GO and NGO throughout the Northern Territory. Not all agencies are registered as Information Sharing Entities at this time.
14. A recommendation of mandatory reporting of the governance of the group regarding Chapter 5A would be supported with Territory Families becoming the governing agency, holding records of the mandatory reporting.
15. In consultation with the Deputy Information Commissioner it has been determined there is no further amendments required to be made to *the Domestic and Family Violence Act 2007* at this time.
16. It is recommended that this information is accepted and actioned.



Detective Acting Senior Sergeant
Domestic and Family Violence Section
Sex Crimes Division

Statutory Review of Information Sharing amendments in Chapter 5A of the Domestic and Family Violence Act 2007 - NT Health response.

Consultation has been undertaken with the Department of Health and NT Regional Health Services (NT Health), and the following information and themes collated for response to the Northern Territory Information Commissioner.

Any general statistics that you may have collected or have access to that provide insight into the rate of domestic and family violence (and any changes in the rate) since the Chapter 5A amendments were commenced.

Data in relation to domestic and family violence (DFV) presentations is not captured uniformly across NT Health. Specific work units in different regions collect data for internal purposes, for example in the Central Australia Region, Alice Springs Hospital Social Work collect monthly statistics on DFV presentations when a consumer is referred to Social Work for intervention. This system was in place prior to the amendments and there is no discernible change since the amendments commenced. In the Barkly Region there has been an anecdotal increase in DFV referrals since the commencement of the amendments, which has since remained at a steady rate. NT Health cannot comment on whether this is attributable to the commencement of the amendments.

Any statistics that you may have collected or have access to that provide insight into the use of Chapter 5A by your agency and others to share (collect and disclose) information, or any anecdotal information with respect to the same. De-identified examples of the types of circumstances when information has been shared between Health staff and another ISE or ISEs using Chapter 5A provisions would be appreciated. Of particular interest are the circumstances where information was shared without the victim's consent.

Anecdotally, health workers report patients coming to harm due to information sharing either through retaliation or by avoiding medical care for fear of referral or police attendance at their homes. For this reason, information sharing without the patient's consent is extremely rare outside of mandatory reporting obligations.

In correspondence to the Commissioner in April 2021, your office advised that:

"At this time, NT Health does not have a system-wide capacity to provide quantitative and qualitative data on the supply of information under Chapter 5A of the DFV Act. The Information and Privacy Unit is currently exploring the future capacity of NT Health's new core clinical system, Acacia, to capture information sharing events."

Please provide an update on this issue.

Acacia is currently live from July 2022 in the Big Rivers, Top End (Katherine) region only. The information capturing capacity is yet to be explored.

Details of past and current training, policy and guideline publication and general support regarding Part 5A that has been/is provided by your agency to staff. If Chapter 5A provisions have been included in any training or guidance materials provided to staff, please provide details.

NT Health notes and supports the establishment of the Interagency Coordination Reform Office (ICRO) which will be a forum for addressing some of the barriers to effective, safe information sharing.

Through membership of the ICRO, NT Health welcomes the opportunity to collaborate with other NTG agencies to provide a whole of government approach for DFSV prevention and response.

NT Health has further developed Domestic and Family Violence Clinical Guidelines, which have two training modules and which aim, among other actions, to assist health professionals understand and follow the Information Sharing Guidelines (ISGs), made under s.124N of the DFV Act.

In general support of the ISGs, the NT Health Domestic Family and Sexual Violence Steering Committee (DFSV SC) disseminated information about the ISGs and the imperative to implement them was supported by the Executive sponsors from the (then) two Health Services.

As the Acacia system progresses with its implementation in the Health Regions, the Legal Services and Information Privacy Unit will continue with targeting training on privacy and information sharing, which will include information relevant to Chapter 5A of the DFV Act.

Anecdotal information or feedback from your staff or other stakeholders on the application and effectiveness of the Guidelines made under s124N of the Act and the Risk Assessment and Risk Management Framework (RAMF) approved under section 124Q. Is the RAMF (including the Common Risk Assessment Tool (CRAT)) used by relevant staff in your agency?

Feedback from staff indicates that staff attend the RAMF training when it is available, which includes training around Chapter 5A. Staff report that they use the CRAT in order to refer consumers experiencing DFV to appropriate services.

In correspondence from your agency in April 2021, two questions were raised by ASH Social Work:

'-What will be the process for agencies requesting information -whilst a patient is an inpatient, social work will be liaising with other agencies and share information if there are any safety concerns; however, if the patient is not known to Social Work and is an outpatient and a request is made to, for example, Patient Medical Records what format and processes are in place.'

'-What is the agreed timeframe for responding to information requests?'

Has any guidance been provided internally to relevant staff on these concerns?

Yes. Forms and templates are in place for agencies to direct requests relating to outpatients to Patient Medical Records, however these templates do not make specific mention of Chapter 5A of the DFV Act.

The Legal Services and Information Privacy Unit undertakes to provide program areas within NT Health with ongoing guidance and support in addressing information sharing requests. It is expected that where a program area requires support in addressing or interpreting a request made under the DFV Act, this would be escalated to and managed appropriately by the Unit.

Details of any other concerns raised with your agency by staff and stakeholders about the implementation and effectiveness of Chapter 5A in improving information sharing. If there are barriers to its use or effectiveness, please identify them and provide comment on how those barriers might be addressed.

NT Health supported the Information Sharing amendments to the *Domestic and Family Violence Act 2007* when they were passed in 2018. However NT Health expressed concern about the effectiveness of subsequent implementation of Information Sharing Guidelines (ISGs).

This was primarily due to lack of capacity and coordination across key stakeholder agencies in particular effective client case management and coordination systems for vulnerable children and families. These concerns remain.

Consideration and advice on the current monitoring and governance of Chapter 5A implementation by your agency or across government. Is the current monitoring and governance process appropriate and sufficient to ensure that Chapter 5A meets its aim of sharing information so as to keep victims and their families safe?

NT Health staff are committed to keeping victims and their families safe. Though the current state of monitoring in relation to Chapter 5A could be improved, NT Health staff are highly trained and aware of their responsibilities under the Act.

Would mandatory reporting by ISEs to a governance group regarding their use of Chapter 5A be a recommendation supported by your agency? If so, to which current or potential body would they report?

Mandatory reporting would assist agencies in keeping the necessary data. NT Health does not have a view as to which current or potential body this would be to.

Any legislative change that is recommended or required for Chapter 5A to work effectively?

NT Health considers the legislative framework to be adequate.

Any unintended consequences?

No.

Any other issues, concerns or recommendations that should be considered as part of this review.

One concern that has been raised is the need for ongoing training across the NTG around the RAMF generally and information sharing. On a whole, NT Health staff report that police have been excellent in providing information when required and assisting Social Work however on occasion there have been barriers to the process. An example provided by the Barkly region involved a social worker calling police to follow up on information regarding the safety of a client in returning home or going to the shelter. The police officer contacted was unable to assist and then did not seek out information from colleagues or their own system. This is not a regular occurrence however it does highlight the importance of ongoing education around responsibilities under the Act.

30 August 2022

E oce.doe@education.nt.gov.auMr Peter Shoyer
Information Commissioner

T 08 8999 5857

TRM No: 50:F22:7942

infocomm@nt.gov.au

Dear Mr Shoyer

Re: Statutory Review of Information Sharing amendments in Chapter 5A of the *Domestic and Family Violence Act 2007*

Thank you for your letter of 21 June 2022 regarding formal consultation with information sharing entities (ISEs) for the purposes of a review of a Statutory Review of Information Sharing amendments in Chapter 5A of the *Domestic and Family Violence Act 2007* (the DFV Act).

In response to your questions of 21 June 2022, the Department of Education (the department) advises as follows:

1. **Any statistics that you may have collected or have access to that provide insight into the use of Chapter 5A by your agency and others to share (collect and disclose) information, or any anecdotal information with respect to the same. De-identified examples of the types of circumstances when information has been shared between Education and another ISE or ISEs using Chapter 5A provisions would be appreciated. Of particular interest are the circumstances where information was shared without the victim's consent.**
 - The department does not currently collect data about when information is shared with other ISEs, including data about where information was shared without the victim's consent.
 - School counsellors and advisors share information as required through the course of duties, or as participants in Family Safety Framework meetings and the Child Abuse Taskforce. It is possible that information has been shared without the victim's consent, in line with the provisions of Chapter 5A.
 - It is also possible that departmental staff (outside of SWIPS) may share information through the Multi-Agency Community and Child Safety Framework.
2. **Details of past and current training, policy and guideline publication and general support regarding Part 5A that has been/is provided by your agency or another agency to your staff (departmental and school-based). If the requirements of Chapter 5A have been incorporated into training and handout materials provided under the Department's Information Management training program, could you please provide us with copies?**
 - Fact sheets on the Chapter 5A information sharing provisions and the department's role as an ISE were provided to all staff in 2020.
 - All SWIPS staff who participate in the Family Safety Framework undertake training which covers information sharing obligations.

- All school counsellors are required to complete the Department of Territory Families, Housing and Communities (TFHC) online Mandatory Reporting of Domestic and Family Violence course as part of their orientation.
- 3. Anecdotal information or feedback from your staff or other stakeholders on the application and effectiveness of the Guidelines made under section 24N of the Act and the Risk Assessment and Risk Management Framework (RAMF) approved under section 124Q. Are these documents used as guidance within your agency? Have they improved responsible risk management and information sharing to keep families safe?**
- Staff who participate in the Family Safety Framework and most school counsellors have been trained in the RAMF.
 - The common risk assessment tool (CRAT) under the RAMF has been useful in the work of the school counsellors, particularly where students present who may be experiencing domestic violence in intimate relationships.
 - The feedback from staff who have undertaken the RAMF training is that it has been positive and a useful tool in their practice.
 - SWIPS is aware there is a commitment (not published) from TFHC to create a CRAT that is for specific use with young people (current tool is for use with adults) and this would be welcomed.
- 4. Do you play a role in ensuring the principals of non-government schools registered under the Education Act 2015 (and who are classified as ISEs under the Act) are aware of Chapter 5A? If so, can you provide details?**
- The department works with the non-government school sector, through the Non-Government Ministerial Advisory Council, to communicate matters that relate to non-government schools, students and families.
Processes for communicating information about Chapter 5A to principals of non-government schools are in progress.
- 5. Details of any concerns raised with your agency by staff and stakeholders about the implementation and effectiveness of Chapter 5A in improving information sharing. If there are barriers to its use or effectiveness, please identify them and provide comment on how those barriers might be addressed.**
- To date, the department is not aware of any concerns by staff or stakeholders about the implementation and effectiveness of Chapter 5A in improving information sharing.
- 6. Consideration and advice on the current monitoring and governance of Chapter 5A implementation by your agency or across government. Is the current monitoring and governance process appropriate and sufficient to ensure that Chapter 5A meets its aim of sharing information so as to keep victims and their families safe?**
- The department is not aware of any monitoring or governance arrangements in this regard.
 - The department considers it would be beneficial for a central body which has oversight of the monitoring and governance arrangements across government.
- 7. Any legislative change that is recommended or required for Chapter 5A to work effectively?**
- The department makes no submissions in relation to any legislative changes to Chapter 5A.

8. Any unintended consequences?

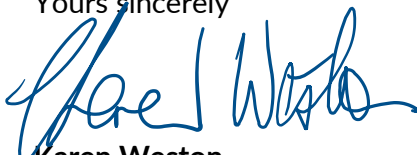
- The department is not aware of any unintended consequences because of Chapter 5A.

9. Any other issues, concerns or recommendations that should be considered as part of this review.

- The department makes no submissions in relation to any issues, concerns or recommendations that should be considered.

If you have any queries regarding this matter, please do not hesitate to contact [REDACTED]
Assistant Director, Resolution Unit by email at [REDACTED]@[education.nt.gov.au](mailto:[REDACTED]@education.nt.gov.au) or by phone at [REDACTED]
[REDACTED].

Yours sincerely



Karen Weston
Chief Executive

Annexure 2: Response from Government ISEs to draft recommendations

A co-ordinated response by Government ISEs to draft recommendations in the draft report is attached. It should be noted that a small number of draft recommendations have been modified or removed following consideration of the response. There are also comments on the response in the body of the report, particularly at paragraphs 23-27 of the Executive summary and paragraphs 153-161 in Chapter 7.

Draft Recommendations – ISE Review

Background

In late 2018 amendments were made to the *Domestic and Family Violence Act 2007* to allow for information about people experiencing or committing domestic and family violence (DFV) to be shared without consent in certain circumstances. The DFV Information Sharing Scheme (IS) aims to remove barriers between services so they can work together to:

- improve safety for victims of DFV
- facilitate timely action from services, and referrals and collaboration between services and
- prevent victims having to tell their stories repeatedly

An Information Sharing Entity (ISE) is an agency that is allowed to share and request information under the Act. The Act designates non-government schools and certain government agencies as ISEs therefore they must participate in the scheme.

Organisations who provide a DFV related service (such as a non-government DFV service) can be prescribed as an ISE, provided that the Minister for Territory Families and Housing is satisfied they will comply with the Guidelines. Applying to become an ISE is a voluntary process.

ISEs must agree to align their policies, procedures and tools with the Risk Assessment and Management Framework (RAMF). Training and resource have been developed and are [publically published](#).

The information sharing reforms commenced on 30 August 2019. Section 124U requires the Information Commissioner to review the first two years of operation of Chapter 5A and later, to review years 3 to 5 after implementation. Both reviews must include consultation with the Minister and with ISEs. The reviews must also include consideration of any adverse effects of this Chapter.

The Information Commissioner's report to the Minister may include any recommendations on any matter addressed in the review. It is required to be tabled in Parliament.

First Review

The Information Commissioner commenced the first review of Chapter 5A in 2022 with the draft Review provided to Territory Families, Housing and Communities on 6 October 2023. It is noted that some recommendations are already being acted upon therefore the Information Commissioner's recommendation was considered against the work underway.

Action Plan 2

The [Domestic, Family and Sexual Violence Reduction Framework 2018-2028](#)'s [Action Plan 2](#) includes [action 4.4](#) Continue Strengthen DFV Information Sharing (within existing resources). Therefore the recommendations of the Information Commissioner folds into the work plans for the three year length of the Action Plan. Some draft recommendations are aligned to other actions in the Action Plan enabling them to be implemented as part of existing resources and project plans.

Draft Recommendations

The draft Review and recommendations were circulated to ISE government agencies, Department of Health, NT Police, Department of Education and Department of Attorney General And Justice, for their review and comment. All agencies provide responses endorsed by Senior Executive. Senior Officers of Territory Families, Housing and Communities (DFSVR, Clinical Practice and Professional Services, Families Programs, Strategy and Legal) reviewed the recommendation as they related to the department's work.

As relevant, agency specific feedback has been provided alongside and incorporated into Territory Families, Housing and Communities' response below. Where a draft recommendation has been accepted, this is made within the existing resources of the agency/ies therefore timelines and specific actions are not included in this feedback. Work arising from the finalised recommendations will be prioritised against contemporary and planned activities of each agency.

The draft Review and recommendations have not been circulated to the Domestic, Family and Sexual Violence Sector nor non-government ISEs as this is at the discretion of the Information Commissioner.

	Draft Recommendation	Type	Position	Comments	Responsibility
1	That additional resources be provided to facilitate a significant increase in the variety and number of training options available to ISEs and domestic	IS Awareness IS/ISE Training	Accepted - within existing resources	Work includes review existing training and information packages,	TFHC DFSVR TFHC Training

	<p>violence related services on Chapter 5A information sharing and on other information sharing schemes, with the aim of increasing awareness and understanding of information sharing options across the NT in the DFV space.</p> <p>Such training may be combined with training on the RAMF and CRAT but needs to be designed to ensure relevant stakeholders are properly informed about the Chapter 5A scheme and how it may relate to their work.</p> <p>It is important that consultation occurs with large organisations to discuss their concerns and identify whether an offer of additional and ongoing education, training and support from government might enable them to become an ISE.</p>	IS/ISE Resources		<p>updated online resources including explanatory video.</p> <p>Exploration of online training options to occur including revamped promotion and awareness process.</p> <p>Review of the RAMF is included in Action Plan 2 which includes ISE content.</p> <p>TFHC Legal service creating training module on information sharing across all TFHC frontline services. ISE is included in this module.</p> <p>Regional Co-ordinator positions will be place based roles able to work at individually and organisation level regarding ISEs.</p>	TFHC Legal
2	<p>Complementary to Recommendation 1, specific consideration and resources are required to identify and implement contemporary best practice methods to engage and inform remote domestic violence related services and their employees about Chapter 5A.</p> <p>Subject to expert advice, training may include face-to-face staff training in remote locations, a training</p>	<p>IS Awareness</p> <p>IS/ISE Training</p> <p>IS/ISE Policy implementation</p> <p>IS/ISE Resources</p>	Accepted - within existing resources with phased implementation	As per 1. Including exploration of information in language as able and relevant.	<p>TFHC DFSVR</p> <p>TFHC Training</p> <p>TFHC Legal</p>

	<p>program for managers, a ‘train the trainer program’, online induction and refresher training and videos, financial assistance for remote staff or managers to attend training and the creation of simple tools in language.</p> <p>Further, following consultation to clearly identify their individual needs, that assistance be offered to approved ISEs to guide them in the steps they are required to take to align their policies and practices with the DFV Guidelines and the DFV Act. This might include a self-audit tool to assist ISEs in evaluating their progress towards compliance and an ISE implementation plan, providing draft precedents of internal policies to be used as a guide, along with case studies and a draft privacy notice to clients addressing information sharing.</p>				
3	<p>Additional training resources and support are required to ensure that all relevant public officers in government ISEs are trained and aware of Chapter 5A information sharing scheme and know what their rights and responsibilities are with respect to Chapter 5A and the DFV Guidelines.</p> <p>Such training should promote an understanding of the RAMF and CRAT and the interrelationship between the Chapter 5A scheme and other legislative information sharing options. The training may be tailored to the needs of various public officers and public bodies depending on their responsibilities for DFV risk assessment and decision making.</p>	<p>ISE Training</p> <p>IS/ISE Resources</p> <p>IS Governance</p>	<p>Accepted - within existing resources</p> <p>Agency variations in manner of implementation based on their business and structures</p>	<p>As per 1.</p> <p>Aligned to Action Plan 2</p> <ul style="list-style-type: none"> • 2.4a Implement RAMF within NT Police • 2.5 Implement RAMF within NT Health • 2.6 Implement RAMF in TFHC • 2.8 Implement RAMF in AGD <p>NT Health has developed Domestic and Family Violence Clinical Guidelines to assist health</p>	<p>TFHC DFSVR</p> <p>TFHC Training</p> <p>ISE Agencies</p>

	Public officers should also know who is their contact officer or officers if they need advice e.g. on a risk assessment for a victim of domestic violence or a Chapter 5A request to provide information.			professionals understand and follow the Information Sharing Guidelines. Implementation of the guidelines will be staged across regions and tailored to priority areas depending on resourcing and capacity.	
4	Consideration be given to establishment of a centralised telephone/email enquiry line for domestic violence related services and ISEs, at least for an initial period, of say, 2 years. While calls for victim support or emergencies will always be dealt with by existing services (NT Police, 1800RESPECT and other services) a specific phone/email enquiry line would assist services in obtaining information about the scheme, including referral options where legal or other support is required . Such a service would also assist ISEs in understanding and complying with their statutory obligations.	IS/ISE Advice ISE Resources	Completed – already in place – central enquiry line Not accepted – providing legal advice/referral to legal services.	Function already exists within TFHC - DFSVR relating to policy and publically published resources however does not include legal advice or referral to legal services. Seeking legal advice is the responsibility of individual agencies/organisations. Phone number 08 8935 7803 and email address dfv@nt.gov.au is listed on TFHC public website about domestic and family violence information sharing.	TFHC DFSVR
5	Noting the limited uptake by domestic violence related services of the option to become an ISE and their concerns about the resource implications of such a decision, that consideration be given to providing approved ISEs with a one-off grant or other form of support to assist them in reviewing their internal policy frameworks to incorporate Chapter 5A sharing and to ensure their core	ISE Resources	Accepted - within existing resources	Alignment to Action Plan 2; <ul style="list-style-type: none"> 2.9 Support implementation of RAMF in universal services 2.4a Implement RAMF within NT Police 2.5 Implement RAMF within NT Health 	TFHC DFSVR ISE Agencies

	business can continue while staff members are attending training.			<ul style="list-style-type: none"> 2.6 Implement RAMF in TFHC 2.8 Implement RAMF in AGD 3.3b Improve intersections between Housing and DFSV Policy and Programs (TFHC Senior Policy Officer) 	
6	<p>That there be a requirement for annual reporting from ISEs to a centralised cross-sector governance body nominated to oversight the Chapter 5A information sharing scheme, manage complaints and receive, consider and respond to feedback from ISEs (government and non-government) and other domestic violence related services regarding DFV information sharing issues.</p> <p>The types of information sought would be a matter for consideration by that governance body but would likely include details of the progress of implementation of the organisation as an ISE and its compliance with the DFV Guidelines and the DFV Act, details of training undertaken by staff, general information about the level of usage of Chapter 5A information sharing and any adverse consequences or concerns. Quantitative data (e.g. on the precise number of information requests received or made) may be provided by an ISE but would not be required at this stage.</p> <p>Noting that a governance body would need to be chosen or established, the DFV Guidelines and</p>	<p>IS Governance</p> <p>ISE Reporting</p> <p>IS/ISE Policy</p>	Not accepted – further consideration required	<p>Matters for consideration –</p> <p>Data recording and reporting</p> <ul style="list-style-type: none"> Reporting onus on ISEs and existing systems do not record the use of the section of the Act in a centralised, de-identified manner. Quantitative data recording and reporting will be a barrier to becoming an ISE, particularly for small organisations. Inconsistent with other Information Sharing legalisation where count of use is not required. NT Health notes the potential resource implications depending on the level of detail required for reporting. Concerns remain if agency can record 	<p>TFHC DFSVR</p> <p>All ISEs</p>

	<p>Regulations amended and ISEs informed, the requirement for ISEs to provide information should not be immediate. Reasonable time should be allowed for these preparatory steps to occur. The question whether quantitative data should be required to be provided could be considered more fully in the next statutory review.</p>			<p>this type of information in the system</p> <p>Governance</p> <ul style="list-style-type: none"> Existing governance arrangements TFHC DFSVR can be considered with ISE policy settings, ISE take up and similar being included in work unit reporting. Proposed ISE governance is inconsistent with other information sharing legislation DFSVR responsible for the policy settings of the ISE and unit includes broader sector involvement and existing governance structures (e.g. Cross Agency Working Group) <p>Complaint reporting</p> <ul style="list-style-type: none"> Complaints mechanisms already exist through individual agencies, organisations and the Information Commissioner. 	
7	There is an ongoing need for government to work with domestic violence support services that provide	IS Awareness	Partially accepted within existing resources - training	As per 1.	TFHC DFSVR

	legal support to victims to explore their confidentiality concerns about becoming an ISE and to consider how those concerns can be addressed.	ISE Training	and resources (draft rec 1) Not accepted – response specific to legal services.		TFHC Training TFHC Legal
8	DFV victims and domestic violence related services not yet specifically considered for training and community education about Chapter 5A include those from the disability, migrant, older women and LGBTIQ+ sectors. These services need education and training about Chapter 5A and practical ongoing support should they elect to become an ISE. Similarly, non-government schools should be consulted and provided with education, training and support.	IS Awareness ISE Training IS/ISE Resources	Accepted within existing resources	As per 1 and 4. with review of case studies to occur to reflect intersectionality.	TFHC DFSVR
9	Noting that the RAMF provides a vehicle for a common approach to DFV risk assessment across the NT, a proposed review of the RAMF is supported. Consideration should also be given to the benefits (or otherwise) of introducing and utilising a simplified CRAT to assist frontline police officers and for wider use by other agencies and organisations in circumstances where a quick preliminary risk assessment is required or time is of the essence.	Risk Assessment Management Framework implementation Common Risk Assessment Tool	Accepted within existing resources.	Aligned to Action Plan 2; <ul style="list-style-type: none"> 4.1d Review of RAMF and RAMF Implementation 2.4b NTPOL DV Tool (shortened CRAT) NT Health supports the need for a shortened CRAT for use by health professionals. This is built into the NT Health Improving responses to DFV initiative. As a universal service, the only specialists in NT	TFHC DFSVR NT Polie

				Health identified as suitably qualified team to complete the comprehensive risk assessment are Social Work	
10	That Proposals to amend Chapter 5A to allay concerns about the collection of personal information under Chapter 5A and to provide for a simpler gazettal process for becoming an ISE are supported.	Legislation	Accepted within existing resources - in progress, through 2023 <i>DFV Act</i> amendments	<p>Aligned to Action Plan 2;</p> <ul style="list-style-type: none"> 4.8 Review and reform the <i>Domestic and Family Violence Act</i> <p>Amendments to Chapter 5A:</p> <ul style="list-style-type: none"> Information Sharing Entities (ISE) are to be published in the Gazette rather than prescribed in regulations, in the hopes of addressing the current delays between when an ISE application is submitted and when the organisation is prescribed as an ISE. The complete list of ISE's is to be provided on the AGD website alongside the information sharing guidelines. Obligations between the <i>Information Act 2002</i> and the <i>DFV Act</i>, have been clarified to ensure information sharing between ISE's is permitted for case management meetings (mostly applicable for the 	AGD

				<p>Specialist Court in Alice Springs).</p> <ul style="list-style-type: none"> • Information Privacy Principles (IPP's) 1 and 10 do not apply in relation to the collection of information if the test pursuant to Chapter 5A is met; • Chapter 5A has effect despite the operation of any other law, specifically the Information Act to avoid doubt that Chapter 5A is not limited by the IPPs; • That it is an offence to disclose confidential information acquired pursuant to Chapter 5A, that is not authorised by the Act; and • New definition for the collection of information to include 'for the purposes of sharing information under part 5A.2 an ISE may collect and use information reasonably necessary for performing a function under that part'. 	
11	That the five year statutory review be sufficiently funded to enable the Information Commissioner to engage appropriate experts and provide a more in-depth analysis and review of the impact and outcomes of the Chapter 5A reforms. For example,	Information Commissioner's responsibilities		This is a matter for the Information Commissioner and their funding body,	

	consultation with victims and questionnaires and surveys targeted at different stakeholder interests require specific expertise in communication, design and interpretation, particularly if the voices of victims, including Aboriginal victims, are to be considered.				
12	<p>That work be undertaken to prepare a mapping of the services currently available to support DFV victims and families across the NT, including in remote locations.</p> <p>Such information will assist all stakeholders in understanding where the gaps in support and service delivery lie, including gaps in information flows, so as to improve visibility on what is happening remotely and to improve communication, support and response between urban and remote service providers.</p>	Service information	Completed already in place.	<p>Get help for domestic, family and sexual violence NT.GOV.AU</p> <p>NTCOSS service directory</p> <p>Bushtel</p> <p>Relevant websites are routinely updated.</p> <p>DFSV – ICRO Mapping Report has identified service gaps</p>	
13	Noting that several factors within an organisation can impact on effective communication processes, that government ISEs conduct internal reviews of their practices and response time frames to requests for DFV information made by other ISEs to ensure the occurrence of unreasonable delay in providing information for risk assessment and victim support purposes is minimised.	Governance	<p>Accepted within existing resources</p> <p>Complaints processes exist in all agencies if timely information sharing is not adhered to.</p>	<p>Aligned to Action Plan 2;</p> <ul style="list-style-type: none"> • 2.4a Implement RAMF within NT Police (existing resources) • 2.5 Implement RAMF within NT Health (existing resources) • 2.6 Implement RAMF in TFHC (existing resources) • 2.8 Implement RAMF in AGD (existing resources) • 3.3b Improve intersections between Housing and DFSV 	ISE Agencies

				<p>Policy and Programs (TFHC Senior Policy Officer) (\$0.6M over two years)</p> <p>NT Health is committed to implement the RAMF and Ch5 through its Improving Responses to DFSV initiative over the next 3 years. Once implemented, conducting internal reviews of practices and responses may offer more reliable data.</p> <p>The medical records area within the hospitals would normally be the first contact point for DFV requests, and they are processed immediately. NT Health Legal Services/ Information privacy unit are contacted by the areas if they need advice. NT Health notes there could be potential resource implications depending on the level of detail required for reporting.</p>	
14	<p>An anticipated review of the FSF is supported to ensure that its current structure, policies, processes and performance are sufficiently consistent, supportive and responsive to current needs. The review should consider whether there is support for the implementation of a second tier for DFV cases or alternatively another form of coordination and</p>	Family Safety Framework (FSF)	Not accepted – draft recommendation relates to FSF policy settings and Operations manual.	<p>FSF Operating Manual and Policy setting updates in progress as part of business as usual program management.</p> <p>FSF Operations Manual has clear direction relating to referrer</p>	<p>TFHC DFSVR</p> <p>NT Police</p> <p>TFHC CWSP</p>

	<p>collaboration to ensure that victims who fail to meet the current FSF threshold are still supported. Such a review and any subsequent change will require additional allocated resources.</p>		<p>Note: The Family Safety Framework is not planned to be subject to formal review as intimated by this draft recommendation.</p> <p>Routine program work between TFHC DFSVR and NT Police includes updating operations manual and Memorandums of Understanding as required. This is currently occurring through in person workshops and on line meetings seeking feedback and input by FSF Chairs and Intelligence Officers in the first instance.</p>	<p>responsibilities when a referral is accepted or not. This includes the referrer and/or any member of the FSD being able to refer on to any other organisation/service or case co-ordination meeting relevant to the circumstance.</p> <p>Alignment to Action Plan 2;</p> <ul style="list-style-type: none"> 4.13 Align multi-agency risk management approached to DFSV between FSF and Child Wellbeing and Safety Partnership (CWSP) under the RAMF 	
15	<p>Consideration be given to identifying and implementing culturally sensitive options to address concerns of many victims that their children may be</p>	<p>IS Awareness</p> <p>ISE Training</p>	Noted	<p>The <i>Care and Protection of Children Act 2007</i> (NT) includes comprehensive information</p>	TFHC Clinical Practice

	<p>removed from them or they may otherwise be harmed or disadvantaged if they report DFV.</p> <p>Such options will help to build trust between victims and the relevant agencies and support services and thus improve opportunities for good information sharing to keep women and children safe.</p>			<p>sharing provisions that extend further than Chapter 5A. Child Protection Practitioners are trained to use these provisions when gathering information relating to child safety and wellbeing assessments.</p> <p>Domestic violence informed practice implemented through child protection under evidenced based and accepted Safe and Together Model.</p> <p>Training in Safe and Together delivered to government and non-government services who provide or intersect with family support, child protection and youth justice.</p>	
16	<p>A clearer privacy policy/statement should be published on the Territory Families website to explain more fully the impact of the various information sharing schemes (including Chapter 5A) on an individual's privacy.</p>	Advice	Accepted within existing resources	Work under way within Legal on TFHC Privacy Statements	TFHC Legal