

26 May 2023

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

By email: legcon.sen@aph.gov.au

Dear Sir/Madam,

RE: Family Law Amendment (Information Sharing) Bill 2023

Thank you for the opportunity to provide comment on the Family Law Amendment (Information Sharing) Bill 2023 (Bill).

1. About Full Stop Australia

Full Stop Australia (FSA) is an accredited, nationally focused, not-for-profit organisation which has been working in the field of sexual, domestic, and family violence since 1971. We perform the following functions:

- Provide expert and confidential telephone, online and face-to-face counselling to people of all genders who have experienced sexual, domestic, or family violence, and specialist help for their supporters and those experiencing vicarious trauma;
- Conduct best practice training and professional services to support frontline workers, government, the corporate and not-for-profit sector; and
- Advocate with governments, the media, and the community to prevent and put a full stop to sexual, domestic and family violence.

FSA, as a national service, draws upon the experiences of our trauma-specialist counsellors to support people impacted by sexual, domestic and family violence across jurisdictions, as well as our clients and other survivor advocates who are part of our [National Survivor Advocate Program](#), to advocate for victim focussed laws and consistent approaches to family, domestic and sexual violence nationally.

2. FSA endorses Women's Legal Services Australia's submission

FSA has had the opportunity to review Women's Legal Services Australia (WLSA)'s submission on the Bill, and endorses that submission.

In addition to the issues raised in that submission, we have the following feedback on the Bill.

3. 67ZBF (3) Disclosure of protected material

We would ask that sexual violence counselling notes privilege be specifically mentioned in the list of "protected materials", similar to legal professional privilege. Though the privilege is arguably covered by other parts of the definition, we see merit in its specific mention, as some agencies are still unaware of its existence. Specifically listing counselling notes in the definition of "protected materials" would make the definition clearer and help to avoid inadvertent disclosures.

4. 67ZBG (2) Advice to court about risk of disclosure

This provision provides discretion for disclosing agencies to alert the Court to any risks about disclosure to individuals. However, there does not seem to be any specific requirement for the Court to take this advice into consideration when making determinations about the disclosure of the information. We believe there should be a requirement that such advice is considered by the Court.

5. Information sharing safeguards

FSA emphasises the point in the WLSA submission on lack of consultation on regulations containing information sharing safeguards.

We reiterate that domestic, family and sexual violence agencies need to be consulted on the regulations, to ensure that domestic, family and sexual violence safety risks are considered and appropriately dealt with. We request to be consulted on draft regulations, along with other sector agencies, as soon as possible.

If you have any questions in relation to the issues raised in this letter, please do not hesitate to contact either myself or Full Stop Australia's Head of Advocacy, Emily Dale.

Yours faithfully,

Tara Hunter

Acting Chief Executive Officer
Full Stop Australia