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Minister for Women
Minister for the Prevention of Domestic and Family Violence
Minister for Sport and Recreation

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Mr Jeremy Hanson MLA

Chair
Standing Committee on Justice and Community Safety (Legislative Scrutiny Role)
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Dear Mr Hanson

I am writing to thank you and the scrutiny committee for your consideration of *the Domestic Violence Agencies Act Amendment Bill 2021* and to respond to the questions raised by the committee.

You noted, in relation to section 16O, that the meaning of “community-based service” was not defined and that there was no means of enforcing the obligations outlined in that section.

Community-based service refers to non-government services that are funded by ACT Government, Commonwealth Government and/or through philanthropic funds to provide services to the community. We deliberately did not include a definition in the legislation in order to allow the greatest flexibility to the death review to receive and seek information from a diverse range of sources. This diverse range of sources is part of what allows a death review to explore the broad circumstances surrounding the person and the events leading up to their death.

Section 16O provides the power for the death review coordinator to *request* information. 16P provides the power or means to *require* the provision of that information and has the appropriate means of enforcing that via penalties.

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The committee also asked for clarification about Section 16X in relation to the provision of immunity from civil liability and who that section is intended to protect.

16X is intended to protect the coordinator and any persons acting under their direction from civil liability, transferring that liability to the Territory. It does not extend to protection for persons providing information to the coordinator, which is covered in other sections of the proposed legislation.

The committee also questioned why the requirements to de-identify information in the biennial and other reports prepared by the coordinator did not extend the requirement to any information *collected* by the coordinator in the exercise of their functions.

The coordinator needs to be able to link family members and perpetrators across cases. It is believed that coding all entries for de-identification in the information collected by the coordinator would not allow for some of these important links to be made. For example, a report by the Queensland domestic and family violence death review has shown, through the ability to track and link perpetrators, that many if not most perpetrators, perpetrate violence against multiple partners and this history of violence often goes unrecognised by services. This finding then allows for recommendations to be made to improve efforts around monitoring perpetrators across mainstream and justice services.

The number of persons who will see the information collected by the coordinator is strictly limited and controlled and there are appropriate offences and penalties described in 16U regarding any misuse or disclosure of information by the coordinator or any person acting under their direction. In addition, 16V 4(b) does extend the restrictions on *disclosure* of information to not allowing the identity of the person to be reasonably identifiable.

I thank you again for your consideration of this important Bill and hope that this letter satisfactorily answers the questions you raised.

Yours sincerely

Yvette Berry MLA
Minister for the Prevention of Domestic and Family Violence