
Consultation Paper

Strong Families – Safe Kids Common Statement on Information Sharing

Sexual Assault Support Service Inc. (SASS) Submission

April 2017



Sexual
Assault
Support
Service

For further information please contact:

**Jill Maxwell, CEO – Sexual Assault Support Service
Inc. (SASS)**

Phone: (03) 6231 0044

Email: jill.maxwell@sass.org.au

Postal: PO Box 217, North Hobart, Tasmania, 7002

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Common Statement on Information Sharing

SASS submission

Contents

Introduction	2
Response to Question 2	Error! Bookmark not defined.
Recommendations	Error! Bookmark not defined.

Introduction

Sexual Assault Support Service (SASS) is a free and confidential service for people of all ages who have been affected by any form of sexual violence, including intimate partner sexual violence. We also provide counselling to children and young people who are displaying problem sexual behaviour (PSB) or sexually abusive behaviour (SAB), along with support and information for their family members and/or carers.

The range of support options available at SASS includes counselling, case management (including safety planning) and advocacy. We also provide information and support to professionals, and deliver training workshops and community education activities in a range of settings including local schools and colleges.

SASS welcomes the opportunity to provide feedback to the Department of Health and Human Services on the *Common Statement on Information Sharing*.

Key area for discussion (1)

The Common Statement is designed to support a positive approach to information sharing, in response to feedback that information sharing between organisations is currently sporadic and reliant on personal relationships between staff.

- In your view, is the draft Common Statement useful for this purpose? If not, how could it be improved?

SASS supports the *Common Statement on Information Sharing* (the Statement), and believes that it will support a positive approach to information sharing.

However, we believe that the Statement will be substantially more useful if it contains a summary or overview of the key information sharing provisions and requirements contained within the following pieces of legislation:

- *Children, Young Persons and their Families Act 1997* (CYPTF Act)
- *Personal Information Protection Act 2004*
- *Education Act 2016*
- *Youth Justice Act 1997*
- *Mental Health Act 2013*

- *Family Violence Act 2004*
- *Privacy Act 1988 (Cth)*
- *Family Law Act 1975 (Cth)*
- *Archives Act 1983*
- *Right to Information Act 2009*

The task of understanding the information sharing obligations and responsibilities within each of these Acts is an arduous one, particularly for small non-government organisations without in-house legal expertise. Whilst any explanations contained within the Statement would not negate the responsibilities of organisations to ensure their own compliance under the various Acts, it would provide some useful guidance in navigating this complex issue. This could expand on the existing DHHS information sheet 'Information Sharing for providers of family and disability support'.

Key area for discussion (2)

The principles on page 4 of the draft document are designed to encourage a positive information sharing culture within organisations.

- Are these the correct principles to support this purpose?
- Would you include any others?

We acknowledge that the Statement is intended to apply to both government and non-government organisations (NGOs). In our experience, it can sometimes be challenging for an NGO to receive information requested from a government department. For example, SASS notes that whilst some referrals we receive from Child Safety Services (CSS) are comprehensive, others have limited and/or incorrect information. Sometimes it appears that CSS workers are cautious about giving out detailed information, although this information would be relevant to SASS's work with the child and family. We understand that this experience is not limited to SASS staff. For example, SASS has also observed situations where CSS has not informed out of home care carers of pertinent information such as the risk of the child displaying problem sexual behaviour, and it has taken an incident and a referral to SASS for the carers to learn of the risk.

This type of information is critical in terms of facilitating effective interventions with clients. We therefore propose that the Statement also contains a principle that sets out a positive commitment for organisations – both government and non-government – to actively share information where this information would assist another service in providing support to a client.

We also suggest that the statement explicitly clarifies that NGOs can share information (with client consent) amongst themselves without government involvement.

Key area for discussion (3)

The appendix to the Common Statement features a tool, in the form of a simple flowchart, which provides a high level guide to making a decision on a request to share information.

- Would this tool be useful in your day to day role?
- Would you make any changes/improvements to the flowchart or the explanatory notes?

Overall SASS believes that the table would be useful in our work. However, we find the explanatory note under Step 4 to be somewhat unclear, and suggest replacing the phrase 'Any information sharing decision must be made with reference to the relevant legislation' with something similar to the following:

Any information sharing must occur in accordance with the following Acts [*list relevant Acts*]. Staff are responsible for maintaining an awareness of any specific provisions regarding information sharing that apply to their work.

As explained under Key area for discussion (1) above, we submit that a summary or overview of the key information sharing provisions and requirements contained within relevant legislation would be of considerable benefit to organisations, particularly small NGOs.

We also express some concern over the explanatory note under Steps 5-7. Specifically, we are concerned that the 'implied consent' option will encourage inconsistent practices regarding information sharing and obtaining consent. If a worker has explained to a client what information may be shared, who it will be shared with, why it is being shared and what it will be used for, there does not appear to be a significant burden on the worker to also ask if the client consents to the information being shared.