



1<sup>st</sup> June 2023  
Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
Via email: [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)

**RE: Family Law Amendment (Information Sharing) Bill 2023**

Dear Sir/Madam,

Thank you for providing the National Women's Safety Alliance to opportunity to comment on the Family Law Amendment (Information Sharing) Bill 2023.

The National Women's Safety Alliance (NWSA) brings together a diversity of voices, expertise, and experience to inform and guide national policy on women's safety. The NWSA, established in August 2021, connects the sector, experts, government, and victim-survivors with a shared vision to end violence against women. This is be achieved through consultation, research, and the collaborative development of expert policy advice to government from our 400+ members.

**1. 67ZBF (3) Disclosure of protected material**

It is critical that sexual violence counselling notes be specifically mentioned in the list of "protected materials", similar to legal professional privilege. Arguably, this privilege could be covered by other parts of the definition; to prevent misinterpretation there is necessity in its specific mention. This will assist in the safeguarding against inadvertent disclosures that may cause significant harm and distress to the complainant.

**2. 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 such a requirement that such advice is at least considered by the court.

**3. Information sharing safeguards**

When developing the regulations for the information sharing safeguards that consultation take place with domestic, family and sexual violence specialist services to ensure these specialist safety issues are appropriately considered.

If you have any further questions, please do not hesitate to contact me.

Kind Regards,

Katherine Berney,  
Director  
NWSA

