



Queensland Catholic Education Commission

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Queensland Catholic Education Commission submission to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee regarding the *Domestic and Family Violence and Other Legislation Amendment Bill 2016*

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Introduction

The Queensland Catholic Education Commission (QCEC) thanks the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee (the committee) for the opportunity to provide comment on the *Domestic and Family Violence Protection and Other Legislation Amendment Bill 2016*.

QCEC is the peak strategic body with state-wide responsibilities for Catholic schooling in Queensland. This submission is provided on behalf of five Diocesan Catholic School Authorities and 17 Religious Institutes and other incorporated bodies which, between them, operate a total of 300 Catholic schools that educate almost 147,000 students in Queensland. QCEC has a particular focus on ensuring that the safety and well-being of children is a priority for all Queensland Catholic Schools, and domestic and family violence is a key issue of significant importance.

QCEC commends the objectives of the Bill, to ensure that victim safety is at the forefront of the justice response to domestic and family violence, and to provide victims with earlier access to more tailored protection. The following is offered for the committee's consideration:

Information Sharing

QCEC notes the proposed amendment to the *Domestic and Family Violence Act 2012* to include a new Part 5A that focuses on Information sharing. It is understood that section 169A in this Part would allow particular entities to share information, while protecting the confidentiality of the information, for the purposes of: risk assessment; responses to serious threats to life, health or safety; and referral to specialist service providers.

It is further noted that under section 169C a Principal of a school that is accredited, or provisionally accredited, under the *Education (Accreditation of Non-State Schools) Act 2001* would be a prescribed entity under this new Part and therefore would be able to share information under the new provisions, with due regard to the conditions and limitations prescribed by the Act.

There is an important interplay between the proposed amendments and the existing legislative requirements for Catholic School Authorities under the *Child Protection Act 1999, Education (General Provisions) Act 2006* and *Education (Accreditation of Non-State Schools) Act and Regulation*. Specifically, approved teachers have current mandatory reporting requirements to the Department of Communities, Child Safety and Disability Services where a reasonable suspicion is formed that a child has suffered, is suffering or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse and may not have a parent who is able and willing to protect the child from the harm (a “reportable suspicion”).

In addition, amendments to the information sharing provisions of the *Child Protection Act 1999* in 2015 have allowed schools to refer families at risk of entering into the child protection system to early intervention and referral services, such as Family and Child Connect (FaCC), and more Intensive Family Support Services, (IFS).

A key consideration therefore is how these proposed amendments would intersect with the existing reporting and referral requirements of the *Child Protection Act 1999*, particularly with regard to the desired practices for Catholic School Authorities in meeting the safety needs of students and families as early as possible.

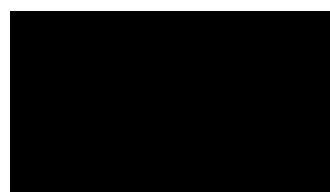
Of particular importance is where the sharing of information between prescribed entities under these proposed amendments results in a teacher or Principal of a Non-State School forming a “reportable suspicion,” and mandatory reporting requirements are a consequence. It is our submission that consideration should be given to this reporting requirement in the framing of the proposed s.169K of the *Domestic and Family Violence Protection Act 2012*. In particular within the exemptions to the confidentiality of the information provided at the proposed s.169K(4), specific reference should be made to the *Child Protection Act 1999, the Education (General Provisions) Act 2006* and *Education (Accreditation of Non-State Schools) Act 2001*.

In addition, it is submitted that the proposed section 169M is of critical importance, requiring the chief executive to make guidelines, with a key purpose to ensure that information is shared for proper purposes. It would be important that the guidelines provide clarification around the actions of prescribed entities in sharing information in the circumstances provided for in the Act, with due acknowledgement to broader child protection responsibilities.

Catholic School Authorities would require very clear guidance as to how information is released, received, and the processes to follow in this regard, given the range of circumstances under which the proposed legislation would allow this information sharing to occur. QCEC would welcome the opportunity to participate in any consultation processes associated with the development of the guidelines under these proposed amendments.

In closing, it is noted the Catholic School Authorities in Queensland are governed by the provisions of the *Privacy Act 1988 (C'th)* and required to comply with the Australian Privacy Principles. It is noted that the proposed legislation refers to the obligations of prescribed entities under the *Information Privacy Act 2009* which is the legislation which governs government agencies. It is submitted that in the development of any guidelines, the chief executive should consider the privacy obligations of those prescribed entities who are required to comply with the provisions of the *Privacy Act 1988*.

QCEC would be pleased to provide further clarification on the above matters if required.



Dr Lee-Anne Perry
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