

# APPENDIX D

## Tips for conversations with adult victim survivors about consenting to information sharing

### Model Conversation: Obtaining consent from an adult victim survivor

Organisations are required to obtain consent in order to share information about adult victim survivors in a number of circumstances when sharing information under privacy laws but there are also some limitations to the requirement for consent that practitioners discuss with victim survivors. In addition to the conversations practitioners already have with adult victim survivors around information sharing, it is important that practitioners also outline the limitations of consent as it relates to sharing information under Part 5A when obtaining consent from an adult victim. This conversation may occur when an adult victim survivor first comes into contact with your service. Or, for existing clients of a service, the conversation may occur when workers are prescribed and authorised as ISEs to share family violence information in accordance with Part 5A.

These dot points should be considered for your conversation with adult victim survivors, where there is no child at risk of family violence. Please note there are extra considerations for this model conversation when the adult victim survivor's information is being shared to assess or manage risk to a child victim survivor. Please refer to [Chapter 5](#) on page 64 for more information.

These conversation prompts can be adapted for practitioners in a variety of roles. Not all points need to be addressed – using your professional judgement on how to address limited consent with clients in individual circumstances is essential.

To check the victim survivor understands, consider the following approaches:

- provide examples of when their information would be shared and for what purpose, to provide context to the discussion
- check in multiple times to confirm the victim survivor understands what has been said, possibly asking them to repeat the information if you are concerned they do not understand
- tailor this conversation to victim survivors where English is their second language; where a cognitive impairment is present and/or; where capacity is impaired for any reason.

When having a conversation with adult victim survivors about consent, consider the following prompts:

#### *The new Scheme*

- information sharing laws have recently changed
- under the new laws, information sharing can occur to assess and/or manage your risk of family violence
- the Scheme is in place to promote your safety
- information sharing allows organisations to work collaboratively to assess and manage your safety, to reduce the burden on you to manage family violence risk on your own
- I acknowledge this is a difficult time for you. The Scheme is in place to support you, not to create further stress.

### *Consent*

- in the majority of instances your consent will be sought. However, if it will lessen or prevent a serious threat to an individual's life, health, safety or welfare, your consent is not required to share information
- while your consent is not required in some limited circumstances, wherever appropriate, safe and reasonable to do so we will seek your views on how and when your information is shared
- wherever possible, you will be informed that your information has been shared
- after we have requested your information from other organisations they may also wish to obtain your consent to share your information. You may want to let them know the safest way to contact you by writing this on the consent form.

### *Reassurance*

- information will not be shared with the perpetrator of family violence.