

Ms Annette Lancy
Acting Chief Executive Officer
Family Safety Victoria
35 Collins Street
MELBOURNE VIC 3000

16 October 2019

Dear Ms Lancy

REGULATORY IMPACT STATEMENT FOR FAMILY VIOLENCE PROTECTION (INFORMATION MANAGEMENT AND RISK MANAGEMENT) AMENDMENT REGULATIONS 2020

I would like to thank your staff at Family Safety Victoria (FSV) for working with my team on the preparation of the Regulatory Impact Statement (RIS) for the proposed Family Violence Protection (Information Sharing and Risk Management) Amendment Regulations 2020 (the Regulations). These regulations are proposed to be made under the *Family Violence Protection Act 2008* (the Act).

As you know, under section 10 of the *Subordinate Legislation Act 1994* (the SLA), the Commissioner for Better Regulation is required to provide independent advice on the adequacy of the analysis provided in all RISs in Victoria. A RIS is deemed to be adequate when it contains analysis that is logical, draws on relevant evidence, is transparent about any assumptions made, and be proportionate to the proposal's expected effects. The RIS also needs to be clearly written so that it can be a suitable basis for public consultation.

I am pleased to advise that the final version of the RIS received by us on 8 October 2019 meets the adequacy requirements of the SLA.

Background

Following the Royal Commission into Family Violence (the Royal Commission), the Government is implementing a range of measures aimed at reducing the risk of family violence in Victoria, including:

- The Family Violence Information Sharing Scheme (FVISS) established under Part 5A of the Act; and
- The Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM) established under part 11.

These reforms have been rolled out progressively since 2018, when Amendments to the Act enabled Government agencies and service providers to share information with one another for family violence risk assessment and risk management purposes.

Regulations previously made in February 2018 and September 2018 prescribed an initial tranche for FVISS and phase-one for FVISS and MARAM, respectively. The initial tranche of FVISS included individuals with specific functions in key organisations that played a core role in assessing and managing family violence risks, such as those employed in organisations including the Police, Courts, refuges and specialist family violence services.

Phase-one, commencing on 27 September 2018, saw the incorporation of the Scheme under the umbrella of the broader MARAM reforms, as well as the model of prescription changing from prescribing individuals within organisations to entire organisations and services. Phase-one added a broader range of government-funded specialist organisations (rather than positions) likely to interact regularly with victims of family violence.

Further organisations and services are required to fully realise the benefits of the reforms in supporting timely and effective interventions to reduce these risks. The proposed Regulations prescribe additional (phase-two) organisations and services who will be permitted to share information for the purposes of assessing and managing risk of family violence under FVISS, and required to align their policies, procedures, practice guidance and tools with MARAM.

The reforms have been jointly rolled out with the Child Information Sharing (CIS) Scheme established under the *Child Wellbeing and Safety Act 2005*, which permits a similar group of entities to share information about risks to child wellbeing and safety.

Analysis

The RIS analyses three options for prescribing Phase Two organisations and services, assessed against a base case of Initial Tranche and Phase One only (the status quo):

- Option 1 – A limited group of additional organisations and services, including health and support services (excluding general practitioners), student disengagement and wellbeing services, and government statutory bodies and organisations / services.
- Option 2 – All organisations and services noted in Option 1, plus targeted universal health and education providers including schools, general practitioners, early childhood education and care providers, out of school hours care, and hospitals.
- Option 3 – All organisations and services noted in Option 2, plus additional services including broader disability services, private health services, private aged care services, and specialist health services.

These are compared using Multi-Criteria Analysis, as a full Cost-Benefit Analysis was not feasible due to the difficulties measuring benefits in this space. The options were evaluated in terms of their effectiveness, the risks of inappropriate practice occurring, and expected implementation costs.

The analysis in the RIS is focused on the risks and benefits to victim-survivors of family violence. Potential negative impacts on perpetrators (including alleged perpetrators) are not considered.

Proposal and impacts

Based on the Multi-Criteria Analysis described above, FSV proposes Option 2. This is expected to balance victim-survivor safety with the need to effectively operationalise the reforms by considering workforce readiness and sector capacity, and to limit the risk of inappropriate sharing. A similar group of organisations and services are also proposed to be prescribed for Phase Two of the Child Information Sharing scheme, enabling joint implementation of key interrelated reforms across the Victorian service system.

The RIS also includes indicative estimates of the cost impacts of the proposed reforms for the government and private sectors. This is based on a series of interviews conducted by FSV and the Department of Education and Training (DET), with the proposed workforces across MARAM, FVISS and Child Information Sharing Schemes.

Based on this approach, the RIS estimates a total implementation cost for reforms to the MARAM and FVISS of \$198.6 million between 2020-21 and 2022-23 (including \$178.1 million in implementation costs), and \$23.7 million in ongoing costs after that. The Net Present Value of this package over the next decade is estimated at \$311 million.

Implementation and evaluation

The proposed organisations and services are proposed to be prescribed and brought into MARAM and FVISS in September 2020. Given the interdependencies between MARAM, FVISS and the CIS Scheme, Government is using a joint implementation approach for the three reforms to coordinate training, communications and change management activities for the workforces affected.

This joint implementation approach will include joint communications about the rollout of all three reforms, grants to support the services implementing the reforms, and a mix of face-to-face and electronic training for the affected workforces.

The Office of the Victorian Information Commissioner (OVIC) and Health Complaints Commissioner (HCC) will also be funded to receive complaints about privacy breaches that might result from any inappropriate sharing of information.

The Act requires independent reviews of FVISS within two years after commencement (tabled in Parliament in 2020) and five years after commencement (tabled in Parliament in 2023). The two-year review will evaluate the effectiveness and impact of the initial tranche and phase-one of FVISS. The five-year review will consider the appropriateness of the legislative model, consider any adverse effects of the legislation and make recommendations for reform.

The Act also requires a review of MARAM within five years of commencement (tabled in Parliament in 2023), and every five years thereafter. This review must assess the extent to which Part 11 is achieving the objective of providing a framework for achieving consistency in family violence risk assessment and management.

FSV has recently commissioned Cube Group to prepare a Monitoring and Evaluation Framework for the 2023 and future reviews, which will consider phase-two entities as well.

Should you wish to discuss any issues raised in this letter, please do not hesitate to contact my office on (03) 9092 5800.

Yours sincerely



Anna Cronin
Commissioner for Better Regulation
Red Tape Commissioner