

**IN THE MATTER OF THE ROYAL COMMISSION  
INTO FAMILY VIOLENCE**

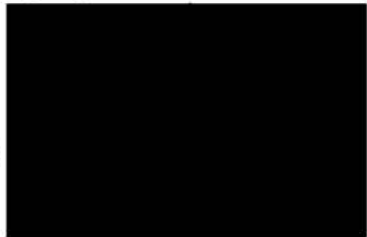
**ATTACHMENT SW-25 TO STATEMENT OF SCOTT JAMES WIDMER**

Date of document: 31 July 2015  
Filed on behalf of: State of Victoria  
Prepared by:  
Victorian Government Solicitor's Office  
Level 33  
80 Collins Street  
Melbourne VIC 3000



This is the attachment marked '**SW-25**' produced and shown to **SCOTT JAMES WIDMER** at the time of signing his Statement on 31 July 2015.

Before me:



...



An Australian legal practitioner  
within the meaning of the  
Legal Profession Uniform Law (Victoria)

SW-25

## OVERVIEW OF KEY ACTS THAT SET OUT THE CORE SERVICE DELIVERY FUNCTIONS OF DHHS

Legislation	Overarching objectives	Provisions relevant to inter-agency collaboration and information sharing
<i>Children, Youth and Families Act 2005</i>	<ul style="list-style-type: none"> <li>• To promote children’s best interests, including a new focus on children’s development</li> <li>• To support a more integrated system of effective and accessible child and family services, with a focus on prevention and early intervention</li> <li>• To improve outcomes for children and young people in the Child Protection and out of home care service system</li> </ul>	<ul style="list-style-type: none"> <li>• Establishes common principles to guide practice and decision-making based on the best interests of the child</li> <li>• There are some 50 provisions relevant to information sharing dispersed throughout the act according to the phases of child protection intervention.</li> </ul>
<i>Housing Act 1983</i>	<ul style="list-style-type: none"> <li>• Covers a number of objectives associated with the provision of social and affordable housing.</li> <li>• The Housing Act outlines the role of the Director of Housing.</li> </ul>	<ul style="list-style-type: none"> <li>• No overarching references to common principles or ways of working.</li> </ul>
<i>Disability Act 2006</i>	<ul style="list-style-type: none"> <li>• Provides for a stronger whole-of-government, whole-of-community response to the rights and needs of people with a disability.</li> <li>• Provides a framework for the provision of high quality services and supports for people with a disability.</li> </ul>	<ul style="list-style-type: none"> <li>• Recognises the rights of people with disabilities and sets out broad principles for how disability services should meet and respond to their needs</li> <li>• Contains some secrecy provisions that prohibits disclosure by the Disability Services Commissioner and staff of information relating to the affairs of any individual or organisation acquired in the performance of functions or duties or exercise of powers under the Act (see for example section 128)</li> </ul>
<i>Mental Health Act 2014</i>	<ul style="list-style-type: none"> <li>• Sets out a framework intended to promote recovery-oriented practice,</li> </ul>	<ul style="list-style-type: none"> <li>• A range of secrecy provisions exist in respect of particular kinds of information</li> </ul>

## OVERVIEW OF KEY ACTS THAT SET OUT THE CORE SERVICE DELIVERY FUNCTIONS OF DHHS

Legislation	Overarching objectives	Provisions relevant to inter-agency collaboration and information sharing
	<p>minimise compulsory treatment and protect and support the rights of people living with mental illness.</p>	<p>held by particular kinds of officers – for example, section 175 (disclosures by the Mental Health Tribunal; section 225 (community visitors); section 249 and 265 in respect of the Mental Health Complaints Commissioner and conciliators of the Commission.</p> <ul style="list-style-type: none"> <li>Section 346 also contains a general limitation on the sharing of health information about a consumer by a mental health service provider. Relevantly though, this section does not apply where the serious and imminent threat exception can be made out.</li> </ul>
<p><i>Public Health and Wellbeing Act 2008</i></p>	<ul style="list-style-type: none"> <li>Sets out a legislative scheme which more efficiently promotes and protects public health and wellbeing in Victoria through the management and control of various risks to public health.</li> </ul>	<ul style="list-style-type: none"> <li>Provides a series of principles to guide decision-making and ways of working including a principle of collaboration. This principle is designed to encourage different decision-makers to work together. It recognises that managing and controlling public health and wellbeing often goes beyond local and state borders and is something that can require collaboration from broader stakeholders</li> <li>References to information sharing limited to specific circumstances such as powers to enable authorised officers to request information necessary to investigate whether there is a risk to public health or manage or control a risk to public health</li> </ul>

## OVERVIEW OF KEY ACTS THAT SET OUT THE CORE SERVICE DELIVERY FUNCTIONS OF DHHS

Legislation	Overarching objectives	Provisions relevant to inter-agency collaboration and information sharing
		(for example, section 167).
<i>Health Services Act 1988</i>	<ul style="list-style-type: none"> <li>• Makes provision for the development of health services in Victoria, for the carrying on of hospitals and other health care agencies and related matters</li> </ul>	<ul style="list-style-type: none"> <li>• Contains a number of confidentiality provisions that apply to a range of parties including auditors investigating performance of health services (for example, sections 18E and 63D).</li> <li>• Confidentiality provisions also exist to prohibit disclosure of information about a person who is or has been a patient or received health services except to the extent necessary to carry out functions under law; to exercise powers under law relation to a relevant health service; or to give information s/he is expressly authorised, permitted or required to give by law (for example, section 141).</li> </ul>