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Waitakere Anti-Violence Essential Services

WAVES Trust

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Committee Secretariat:  
Justice and Electoral Select Committee

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## **Submission on the Privacy (Information Sharing) Bill**

### **Submitted by:**

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**We would like to speak to the Committee about our submission if the opportunity arises**

### **Introduction**

WAVES Trust is an interagency family violence network organisation. The membership is primarily government and non-government service providers who work in the area of family violence. There are also members who are not specifically family violence agencies but their work complements or supports efforts to reduce violence in Waitakere City.

We are committed to strengthening the work of those who educate and support victims of family violence and those who hold offenders accountable and support them to make positive changes to their behaviour. WAVES acts to support and resource all member agencies to practice to the highest standards of integrity and professional ethics.

WAVES Trust provides:

- Links to other organisations through the interagency network
- A networking forum to encourage and support statutory and community services to provide integrated and collaborative services to reduce family violence
- Community advocacy and representation on initiatives that target family violence
- Information about best practice in family violence intervention and support for the implementation of best practice

- Primary prevention, capacity building and education opportunities for those working to reduce family violence
- Contract management of interagency projects and contracts
- Access to current, relevant research
- Monitoring of community initiatives such as the Waitakere Family Violence Court
- An overview of information deficits and initiation of local research

WAVES Trust is a charitable trust. Governance is vested in the Board. There are four employee positions – a full-time Manager, two part-time Coordinators, and an Administrator, as well as one Project Leader on a fixed term contract.

### Summary

The intention of this Bill is to introduce 2 new mechanisms for better and smarter information-sharing by agencies delivering public services to enabling services to become more integrated, reduce duplication and lower information-handling costs. We support the Bill as it stands to improve and clarify mechanisms of information-sharing between government agencies and non-government agencies.

In our submission we add two questions for consideration by the Select Committee:

1. Whether approved information-sharing agreements can be drafted to include facility for NGO's to disclose information received from government services in relation to clients they on-refer to other services.
2. What educational material for NGO's around the country will be produced in the wake of the Bill describing the impact of its amendments to the Privacy Act, what these mean for information sharing and the implications of the new information-sharing agreements.

### Background

The WAVES network consists of agencies that directly or indirectly provide services to victims and perpetrators of family violence, and their children. Family violence and the related issue of child maltreatment are significant issues impacting individual and community wellbeing in Waitakere and in New Zealand. People affected by family violence (victims, perpetrators, and their children) often have multiple and complex needs that contribute to their experience of violence and require the support of numerous specialist services. Our submission reflects the family violence sector's needs for clear and well-supported information-sharing procedures across a variety of agencies including NGOs and government services that will support the current practice of strong interagency linkages and on-referrals of clients.

Family violence sector agencies are predominantly NGO's that work closely or indirectly with public service providers such as CYF, Police, and Courts. Following the Duluth model for family violence interventions, the bulk of the sector is organised according to gender:

victims' services provide support, refuge, and counselling to women as victims of violence, stopping violence programmes work with men, and other services provide counselling to children. Often, but not always, clients are referred to these services by a government agency that has responded to a crisis, such as the police responding to a callout. For family violence sector agencies receiving these referrals, the current emphasis within government funding arrangements is on Whanau Ora, working with the whole family to address the full range of their needs. These funding requirements mean that many services originally formed to meet the needs of one party to violence now work closely with other services to provide extended support and coverage to other members of the family.

One such example can be seen in development of a 'second tier' response to people identified at police family violence callouts through multiple MOUs. In Waitakere information about families attended by the Police is referred to agencies under MOUs by the Family Violence Inter-Agency Response System (FVIARS) with women referred to Western Refuge and men referred to Man Alive. To provide a 'second tier' response, both Western Refuge and Man Alive have MOUs with Waitakere Abuse and Trauma Counselling Service (WATCS). The latter MOUs allow Western Refuge and Man Alive to refer clients on to WATCS to receive on-going therapeutic support for themselves and their children after receiving immediate crisis services (offered by Refuge in relation to safety planning, housing, protection orders, and care of children matters, and Man Alive in the form of stopping violence programmes). This arrangement enables Refuge and Man Alive to support the long term healing of their clients and their children and reduces client attrition-rates by taking the onus off the client to seek out and arrange their own counselling support. These arrangements meet the requirement for services to support the whole family. Other agencies across the region have also entered into similar arrangements to provide a wrap-around service in relation to family violence.

Within such 'second tier' arrangements efficient and appropriate information-sharing is vital to ensure that clients experience transitions between agencies as simple and worthwhile. Any changes to the Privacy Act must not diminish or make more difficult opportunities for agencies to work together to support families.

## Submission

WAVES Trust supports the provisions Privacy (Information-Sharing) Bill as they currently stand.

We request that the Select Committee, when hearing submissions on this Bill, keep in mind that the legislated principles guiding and structuring information-sharing agreements must be flexible enough to allow NGOs to on-share information received from a government agency with second tier providers. We agree that NGOs receiving information from CYF, the Police, or the Courts must only use that information according to the agreement under which it is made available. However, the current practices of interagency collaboration and cross-agency/cross-sector referrals means that the provisions of information-sharing agreements must be sufficiently flexible to allow adequate information sharing to support on-referral of clients. **Legislation guiding the production of information-sharing agreements must not circumscribe useful information-sharing for NGO partners.**

We note that in the lead up to hearing submissions on this Bill, there has been some discussion about misunderstandings in relation to the Privacy Act that need to be addressed.<sup>1</sup> WAVES Trust shares these concerns that the Privacy Act is currently not well understood, particularly at practitioner level, and further education is needed to support service providers and their staff to understand how they should observe the amended Privacy Act within their practice and how it could support and enhance opportunities for collaboration and coordination across different service providers. **We encourage the Select Committee to ensure that any changes to the Privacy Act do not limit the work of the Privacy Commissioner in educating the public and social services on how to observe the Act.**

We are mindful that these requests ultimately depend upon how government departments and ministries utilise the provisions of the Privacy Act if this Bill is passed. We close our submission with a request that the Select Committee Ministers remain mindful in their future dealings with information-sharing agreements that social service sectors, and the family violence sector in particular, are not a unified whole but consist of a variety of small and large providers who rely heavily on inter-agency and cross-sector coordination and collaboration to support a 'whole-of-family' approach.

We wish the Select Committee well for its deliberations.

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<sup>1</sup> <http://www.chenpalmer.com/news/publications-and-presentations/mai-chen-in-the-herald-sex-offender-case-shows-law-s-limits/> (Accessed 21 March 2012).