

Coroners (Domestic and Family Violence Death Review and Advisory Board) Amendment Bill 2015

Explanatory Notes

Short title

The short title of the Bill is the Coroners (Domestic and Family Violence Death Review and Advisory Board) Amendment Bill 2015.

Policy objectives and the reasons for them

The objectives of the Bill are to:

1. establish an independent body to review, at a systemic level, domestic and family violence related deaths; and
2. set out the membership, functions and powers of the review body.

The report of the Special Taskforce on Domestic and Family Violence in Queensland (the Taskforce), *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland* (the Taskforce report), released on 28 February 2015, recommended immediate steps be taken to enhance current review processes for domestic and family violence related deaths in Queensland – in particular that:

- Government immediately consider an appropriate resourcing model for the Domestic and Family Violence Death Review Unit (DFVDRU) in the Office of the State Coroner to ensure it can best perform its functions to enable policy makers to better understand and prevent domestic and family violence (Recommendation 6);
- protocols be developed with the Domestic and Family Violence Death Review Unit to ensure that government departments with relevant policy development responsibilities have access to the research and resources available from the Unit (Recommendation 7); and
- in consultation with key domestic violence stakeholders, the Queensland Government immediately establish an independent Domestic and Family Violence Death Review Board, consisting of multi-disciplinary experts to:
 - a. identify common systemic failures, gaps or issues and make recommendations to improve systems, practices and procedures;
 - b. report to the oversight body every six months on these findings and recommendations; and
 - c. be supported by and draw upon the information and resources of the Domestic and Family Violence Death Review Unit (Recommendation 8).

In Queensland nearly half of all homicides over the past eight years have been linked to domestic and family violence. From 1 January 2006 to 31 December 2013, 180 deaths occurred in the context of domestic and family violence. The numbers of deaths occurring in the context of domestic and family violence is increasing.

Domestic and family violence related deaths in Queensland are currently reviewed under processes established within the Office of the State Coroner. The Domestic and Family Violence Death Review Unit (DFVDRU), which sits within the Office of the State Coroner, provides specialist assistance to support the role of coroners in their investigations of domestic and family violence deaths.

The Taskforce was critical of the lack of a comprehensive death review structure to review the system as a whole, and identify failures or gaps that may contribute to domestic and family violence related deaths.

As the Taskforce highlighted, under the current arrangements, not all domestic and family violence related deaths are reviewed through the inquest process, because not all deaths subject to the Coroner's jurisdiction will result in an inquest. Although coroners can make non-inquest findings following a coronial investigation, coronial recommendations can only be made at inquest. In the period 2013-14, only two domestic and family violence related deaths proceeded to inquests. The Taskforce was firmly of the view that a Board that reviews, at a systemic level, domestic and family violence related deaths and makes recommendations for tangible improvements to systems, policies and strategies to prevent further deaths is needed.

In August 2015, the Queensland Government accepted the recommendations of the Special Taskforce on Domestic and Family Violence, including the recommendation to immediately establish an independent Domestic and Family Violence Death Review Board (Recommendation 8).

Achievement of policy objectives

The Bill will establish the Domestic and Family Violence Death Review and Advisory Board (the Board), setting out its membership, functions and powers, and reporting obligations.

The Bill will achieve its objective by:

- ensuring membership of the Board includes representatives of government and non-government entities with specialist experience, qualifications and expertise;
- conferring a right on the Board to information necessary to perform its functions;
- empowering the Board to make recommendations for government and non-government entities;
- enabling the Board to monitor the implementation of the recommendations; and
- requiring the Board to report to the Minister annually, and otherwise at the Board's discretion.

Alternative ways of achieving policy objectives

Extensive consultation undertaken by the Taskforce in the preparation of its report provided the basis for the Taskforce recommendation to establish a board, consisting of multi-disciplinary experts to identify common systemic failures, gaps or issues and make recommendations to improve systems, practices and procedures.

An alternative to the model proposed in the Bill could be a committee or panel. Without a legislative basis, such a committee or panel would lack the necessary powers and protections to undertake the systemic review contemplated by the Taskforce, and considered necessary by the Taskforce in order to reduce domestic and family violence and prevent deaths.

Establishing the Board in legislation will ensure the independence of the Board's role, powers and functions, provide certainty around its continued operation and give status to its recommendations and advice.

The Bill will ensure that information that would otherwise be confidential is able to be shared with the Board members in discharging their statutory functions.

The establishment of the Board will positively respond to the clear recommendation of the Taskforce and provide an independent, systemic, and timely review of domestic and family violence related deaths, with the aim of reducing and preventing further deaths.

Estimated cost for government implementation

The Queensland Government has committed \$2.067 million over four years for the enhancement of the Domestic and Family Violence Death Review Unit (DFVDRU) in the Office of the State Coroner, and the establishment and operation of the Board.

Once established, the Board will have the benefit of sharing the resources and expertise with the DFVDRU. As secretariat support will be provided by the DFVDRU, information, research and analysis prepared and developed by the Unit will be available to the Board.

Non-government members will receive sitting fees and expenses pursuant to the *Remuneration Procedures for Part-time Chairs and Members of Queensland Government Bodies – Adjudication and Determination*.

Expert consultants who may be engaged by the Board from time to time will be paid out of the allocated funding for the Board's operation referred to above.

Consistency with fundamental legislative principles

The Bill is generally consistent with fundamental legislative principles. Potential breaches of fundamental legislative principles are addressed below.

Section 4(2)(a) *Legislative Standards Act 1992* – Whether legislation has sufficient regard to the rights and liberties of individuals

Clause 5 (Insertion of new section 91R)

Clause 5 of the Bill inserts a new section 91R into the *Coroners Act 2003* which makes it an offence (with a maximum penalty of 100 penalty units) for a Board member to fail to disclose to the Minister (in a notice meeting specific requirements) that he or she has been convicted of an indictable offence during the term of his or her appointment. Given that a person cannot be a Board member if he or she has been convicted of an indictable offence (other than a spent conviction) (see new section 91L), it is justified and necessary that a Board member who is convicted of an indictable offence during the term of his or her appointment be required to provide this notice immediately to the Minister so the Minister is aware that the office of that member has become vacant (see new section 91P) and may take appropriate steps to appoint a new person to the Board if this is considered necessary.

Clause 5 (Insertion of new section 91Y)

Clause 5 of the Bill inserts a new section 91Y into the *Coroners Act 2003* which makes it an offence (with a maximum penalty of 100 penalty units) if a prescribed entity does not comply with a notice from the Board to provide information that is in the custody or control of the prescribed entity. This offence is considered justified on the basis that:

- the Board's right to information is limited to information to perform its functions;
- the Board must require the information within a reasonable period stated in the notice;
- the prescribed entity does not need to comply with the notice if the prescribed entity has a reasonable excuse, and a reasonable excuse includes if complying with the notice: might tend to incriminate the entity if the entity is an individual; would require the entity to disclose information that is the subject of legal professional privilege; would prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of a law; would enable the existence or identity of a confidential source of information, in relation to the enforcement or administration of a law, to be ascertained; would endanger a person's life or physical safety; or would prejudice a prosecution or another matter before a court; and
- the entity is protected from liability in providing the information (see new section 91ZF).

Clause 5 (Insertion of new section 91ZD)

Clause 5 of the Bill inserts a new section 91ZD into the *Coroners Act 2003* which makes it an offence (with a maximum penalty of 200 penalty units) for a person who is or was a member of the Board or who is or was a person engaged to help in the performance of the Board's functions to disclose confidential information to anyone else other than as permitted in section 91ZD. This offence is justified on the basis that it ensures that confidential information is not disclosed (subject to limited exceptions).

Consultation

The Taskforce undertook extensive consultation in preparing its report. The consultation process included meeting with 367 different groups of victims, service providers and community leaders. This consultation informed the Taskforce recommendations, which are being implemented through this Bill.

The State Coroner and officers from the Office of the State Coroner have been consulted and their views have been taken into account in preparing the Bill.

The Parliamentary Committee consultation process will provide a forum for stakeholders and concerned community members to provide their views on establishing the Board. In addition, key legal and domestic and family violence support services and stakeholders will be consulted prior to debate on the Bill to identify and resolve any operational issues.

Consistency with legislation of other jurisdictions

States and Territories within Australia have established a range of either administrative or legislative review mechanisms and processes to review domestic and family violence related deaths.

The models vary but share some common features including: membership or advisory panels with representatives from government and non-government agencies; strict confidentiality provisions and protocols; and a focus on improving interagency cooperation, communication and mutual understanding and prevention and intervention.

Notes on provisions

Part 1 Preliminary

Clause 1 provides that the Act may be cited as the *Coroners (Domestic and Family Violence Death Review and Advisory Board) Amendment Act 2015*.

Clause 2 provides that the Act commences on a day fixed by proclamation.

Part 2 Amendment of Coroners Act 2003

Clause 3 provides that Part 2 amends the *Coroners Act 2003*.

Clause 4 amends the objects of the Act in section 3 by providing that an additional object of the Act is to establish the Domestic and Family Violence Death Review and Advisory Board (Board) to review deaths related to domestic and family violence to prevent or reduce the likelihood of those deaths.

Clause 5 inserts a new Part 4A into the Act to establish the Board.

Clause 5 inserts a new Part 4A, Division 1 (new sections 91A and 91B) which sets out the purpose and definitions for the new Part 4A.

New section 91A provides that the purpose of part 4A is to establish the Board to:

- identify preventative measures to reduce the likelihood of domestic and family violence deaths in Queensland;
- increase recognition of the impact of, and circumstances surrounding, domestic and family violence and gain a greater understanding of the context in which domestic and family violence deaths occur; and
- make recommendations to the Minister for implementation by government entities and non-government entities to prevent and reduce the likelihood of domestic and family violence deaths.

New section 91B sets out definitions for the new Part 4A. It provides definitions of *board*, *chairperson*, *deputy chairperson*, *domestic and family violence*, *domestic and family violence death*, *expert reports*, *member*, *relevant relationship* and *State employee*.

A *relevant relationship* is defined in section 13 of the *Domestic and Family Violence Protection Act 2012* and means an intimate personal relationship, a family relationship or an informal care relationship, as defined under that Act.

The definition of *domestic and family violence death* means the death of a person (the deceased person):

- caused by a person (the second person) if:
 - the deceased person was in, or had been in, a relevant relationship with the second person that involved domestic and family violence; or

- at the time of death, the deceased person was in a relevant relationship with a person who was or had been in a relevant relationship with the second person that involved domestic and family violence; or
- at the time of death, the second person mistakenly believed the deceased person was in a relevant relationship with a person who was or had been in a relevant relationship with the second person that involved domestic and family violence; or
- at the time of death, the deceased person was a witness to or present at, or attempted to intervene in, domestic and family violence between the second person and a person who was or had been in a relevant relationship with the second person;
- at the time of death, the deceased person was a witness to or present at, or attempted to intervene in violence between the second person and a person who the second person mistakenly believed was in a relevant relationship with a person who was or had been in a relevant relationship with the second person that involved domestic and family violence;
- by suicide or suspected suicide if:
 - the person was or had been in a relevant relationship with another person and the relevant relationship involved domestic and family violence.

Clause 5 inserts a new Part 4A, Division 2 (new sections 91C, 91D, 91E, 91F, 91G, 91H and 91I) to establish the Board and set out its functions and powers.

New section 91C establishes the Board.

New section 91D sets out the functions of the Board which are to:

- review domestic and family violence deaths in Queensland (including deaths that occurred before the Board was established; and deaths that are still being investigated);
- analyse data and apply research to identify patterns, trends and risk factors relating to domestic and family violence deaths in Queensland;
- carry out, or engage other persons to carry out, research to prevent or reduce the likelihood of domestic and family violence deaths;
- use data, research findings and expert reports to compile systemic reports into domestic and family violence deaths, including identifying key learnings and elements of good practice in the prevention and reduction in the likelihood of domestic and family violence deaths in Queensland;
- make recommendations to the Minister about improvements to legislation, policies, practices, services, training, resources, and communication for implementation by government entities and non-government entities to prevent or reduce the likelihood of domestic and family violence deaths in Queensland;
- monitor the implementation of the recommendations made to the Minister.

The Board may perform its functions in relation to the death of a person who dies outside Queensland if it is a reportable death mentioned in section 8(2)(b) of the *Coroners Act 2003*.

It is not a function of the Board to investigate the death of a particular person.

New section 91E provides that without limiting the matters to which the Board may have regard in reviewing a domestic and family violence death, the Board must consider the events leading up to the death, any interaction with, or the effectiveness of, any support or other services provided to the deceased person and the person who caused the death; the general availability of support or other services for the deceased person and the persons who caused the death, and failures in systems or services that may have contributed to, or failed to prevent, the death.

New section 91F provides that the Board may review a domestic and family violence death even though the death is or may be the subject of investigation by a coroner. The review is independent of, and separate to, the investigation by the coroner.

New section 91G provides that Board may do all things necessary or convenient to be done for or in connection with the performance of its functions, including engaging persons with appropriate qualifications and experience to conduct research relevant to the Board's functions and prepare expert reports to help the Board carry out its functions.

New section 91H provides that the Board must act independently and in the public interest in performing its functions. The Board is not subject to the directions of the Minister or another person in performing its functions.

New section 91I provides that the chief executive must ensure the Board has the administrative support services reasonably required for the Board to carry out its functions effectively and efficiently.

Clause 5 inserts a new Part 4A, Division 3 (new sections 91J, 91K, 91L, 91M, 91N, 91O and 91P) to provide for the membership of the Board.

New section 91J provides that the Board consists of the chairperson and not more than 11 other persons appointed by the Minister that the Minister considers appropriate.

New section 91K provides that the Minister must appoint the State Coroner or the Deputy State Coroner as the chairperson of the Board. The chairperson is responsible for leading and directing the activities of the Board to ensure the Board performs its functions appropriately. The chairperson holds office for the term stated in the person's instrument of appointment as chairperson.

New section 91L provides that in making an appointment of a Board member, other than the chairperson, the Minister must ensure the membership of the Board reflects the diversity of the Queensland community and includes at least one member who is an Aboriginal or Torres Strait Islander; the membership of the Board includes representatives of government entities and non-government entities; and that members have experience, knowledge or skills the Minister considers relevant to the Board's functions, for example, experience, knowledge or skills in relation to domestic and family violence, the justice system, and health.

Certain people are excluded from being Board members, i.e. a person who is an insolvent under administration under section 9 of the *Corporations Act 2001*; a person who has a conviction for an indictable offence, other than a spent conviction (i.e. a conviction for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act and that is not revived as prescribed by section 11 of that Act); or a person who is a member of the Legislative Assembly.

New section 91M provides that the Minister may appoint a member of the Board to be the deputy chairperson of the Board. A vacancy arises in the office of deputy chairperson if the person holding the office resigns office by signed notice given to the Minister (noting that the person may continue to be a member of the Board; or ceases to be a member of the Board.

The deputy chairperson is to act as chairperson during a vacancy in the office of the chairperson and during all periods when the chairperson is absent from duty or for another reason cannot perform the duties of the office.

New section 91N provides that a member of the Board is to be paid remuneration and allowances decided by the Minister. A member who is a State employee is not entitled to be paid remuneration for holding office as a member. For matters not provided for by this Act, a member holds office on the terms and conditions decided by the Minister.

New section 91O provides that a member of the Board is appointed for the term stated in the member's instrument of appointment, which must not be more than three years. It also provides that a member may be reappointed.

New section 91P sets out the circumstances when the office of a member will become vacant. It also provides that the Minister may end the appointment of a member if the Minister is satisfied the member is incapable of satisfactorily performing the member's duties.

Clause 5 inserts a new Part 4A, Division 4 (new sections 91Q and 91R) to enable the Minister to access criminal history reports to determine if a person cannot be appointed or continue to be a Board member, and to require a Board member to notify the Minister if he or she is convicted of an indictable offence.

New section 91Q enables the Minister to ask the commissioner of the police service for a written report about the criminal history of a person and a brief description of the circumstances of a conviction mentioned in the criminal history to decide if the person cannot be appointed or continue as a member of the Board. However, the Minister may make the request only if the person has given the Minister written consent for the request. The commissioner of the police service must comply with the request. However, the duty to comply applies only to information in the commissioner's possession or to which the commissioner has access. The Minister must ensure the report is destroyed as soon as practicable after it is no longer needed for the purpose for which it was requested.

New section 91R provides that if a Board member is convicted of an indictable offence during the term of the member's appointment, the member must immediately

give notice of the conviction to the Minister, unless the member has a reasonable excuse. A breach of this requirement is an offence with a maximum penalty of 100 penalty units. The notice must include all of the following—

- the existence of the conviction;
- when the offence was committed;
- details adequate to identify the offence; and
- the sentence imposed on the person.

Clause 5 inserts a new Part 4A, Division 5 (new sections 91S, 91T, 91U, 91V and 91W) to provide for the proceedings of the Board.

New section 91S provides that the Board may hold its meetings when and where it decides. The chairperson may at any time call a meeting of the Board and must call a meeting if asked by at least three other members.

New section 91T provides that a quorum for a meeting of the Board is at least half of the members.

New section 91U provides that the chairperson presides at all meetings of the Board at which the chairperson is present. If the chairperson is not present at a meeting, the deputy chairperson is to preside. If neither the chairperson nor the deputy chairperson is present at a meeting, the member chosen by the members present is to preside.

New section 91V provides that subject to this division, the Board may conduct its proceedings, including its meetings, as it considers appropriate. The Board may hold meetings, or allow members to take part in meetings, by using any technology allowing reasonably contemporaneous and continuous communication between persons taking part in the meeting (for example, by teleconference). A member who takes part in a meeting in this way is taken to be present at the meeting. A question at a meeting of the Board is to be decided by a majority of the votes of the members present at the meeting. If the votes are equal, the member presiding has a casting vote.

A resolution is a valid resolution of the Board, even though it is not passed at a meeting of the Board, if at least half the members give written agreement to the resolution and notice of the resolution is given under procedures approved by the Board.

New section 91W provides that the Board must keep minutes of its meetings and a record of any decisions and resolutions.

Clause 5 inserts a new Part 4A, Division 6 (new section 91X) to provide for the disclosure of conflicts of interest of Board members.

Section 91X provides that if a member has a direct or indirect pecuniary or other interest in a matter being considered or about to be considered at a meeting of the Board and the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter, the member must, as soon as practicable after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Board. The Board must record the particulars of a disclosure in a register of interests kept for that purpose. The

member (following disclosure of the interest in a matter) must not be present during a deliberation of the Board about the matter, unless the Board otherwise decides. For the making of this decision, a member who has a direct or indirect pecuniary or other interest in a matter to which the disclosure relates must not be present during the deliberation of the Board for the purpose of making the decision or take part in the making of the decision by the Board. While a contravention of section 91Q does not invalidate a decision of the Board, the Board must, if it becomes aware a member contravened the section, reconsider a decision made by the Board in which the member took part in contravention of the section.

Clause 5 inserts a new Part 4A, Division 7 (new sections 91Y, 91Z and 91ZA) to provide for the Board to access information it needs to perform its functions.

New section 91Y provides that the Board has a right to all information to perform its functions in the custody or under the control of a prescribed entity. A prescribed entity means any of the following:

- the chief executive of a department;
- the Queensland Family and Child Commission;
- the commissioner of the police service;
- an entity that provides services to persons in relevant relationships if those persons are affected by domestic and family violence deaths;
- an entity prescribed by regulation.

Information is not taken to be in the prescribed entity's control merely because of an agreement between the prescribed entity and another entity under which the other entity must give the information to the prescribed entity.

The Board may, by written notice given to a prescribed entity, require the entity within a stated reasonable period to give the information to the Board, and if the information is contained in a document, to allow the Board to inspect the document and take a copy of it. The notice must state the purpose for making the requirement. The prescribed entity must comply with the notice, unless the person has a reasonable excuse. A reasonable excuse for failing to comply with the notice includes where complying with the notice: if the entity is an individual, might tend to incriminate the individual; would require the entity to disclose information that is the subject of legal professional privilege; would prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of a law; would enable the existence or identity of a confidential source of information, in relation to the enforcement or administration of a law, to be ascertained; would endanger a person's life or physical safety; or would prejudice a prosecution or another matter before a court. Failure to comply is an offence with a maximum penalty of 100 penalty units. Section 91Y applies despite any other Act.

The prescribed entity may comply with the notice by allowing the board to inspect a copy of the document with any exempt information obliterated. Exempt information means information for which the entity considers it would not be required to give because of a reasonable excuse under section 91Y.

New section 91Z provides that the Board may enter into an arrangement with the State Coroner about the exchange of information between a coroner and the Board.

The arrangement may provide for the Board to be notified by a coroner that a reportable death is or is likely to be a domestic and family violence death and how and when the notification is to occur. The arrangement may provide for coroners to give the Board access to an investigation document that relates to the domestic and family violence death of a particular person or all investigation documents that relate to domestic and family violence deaths, for carrying out the Board's functions. The arrangement may provide for the Board to give coroners access to documents in the Board's possession or control that are relevant to an investigation.

The arrangement may also provide for how, when and where documents may be accessed under the arrangement. Other matters may be included in the arrangement.

The State Coroner may give the Board access to an investigation document (which includes a document obtained under the *Coroners Act 2003* that is similar in nature to an investigation document as defined in schedule 2) under the arrangement.

Sections 52(c), 53, 54 and 55 (which are other provisions in the *Coroners Act 2003* governing access to information) do not apply in relation to access to an investigation document under the arrangement.

New section 91ZA provides that for its functions, the Board may enter into an arrangement with a corresponding entity (i.e. an entity in another State that performs the same functions, or substantially the same functions, as the Board) about sharing or exchanging information held by the Board or the corresponding agency. Under the arrangement, the Board may disclose information in its possession or under its control unless the disclosure would prejudice the investigation of a contravention or possible contravention of a law, or an investigation by the coroner. Before disclosing coronial information (i.e. information in the Board's possession or under the Board's control that was given to the Board by the State Coroner) under the arrangement, the Board must consult the State Coroner about the proposed disclosure.

Clause 5 inserts a new Part 4A, Division 8 (new sections 91ZB and 91ZC) to provide for reporting by the Board.

New section 91ZB provides that the Board must, within 3 months after the end of each financial year, give the Minister an annual report in relation to the performance of the Board's functions during the financial year. The annual report must include information about the progress made during the financial year to implement recommendations made by the Board during that year or previous financial years. The Minister must table a copy of the report in the Legislative Assembly within one month after receiving it.

New section 91ZC provides that the Board may also prepare a report about a matter arising from the performance of its functions. The Board may, if it considers it appropriate, give a copy of the report to the Minister.

Without limiting the matters within a report, the Board may prepare a report about its findings in relation to a review carried out by the Board or making recommendations to the Minister about any other matter likely to prevent or reduce the likelihood of domestic and family violence deaths.

The Board must not include information adverse to a person in the report unless, before the report is prepared, the Board gives the person an opportunity to make submissions about the information. If the person makes submissions and the Board still proposes to include the information in the report, the Board must ensure the person's submissions are fairly stated in the report.

If the report includes information relating to a death that is still being investigated by a coroner, the Board must give a copy of the report to the coroner; and if the Board intends to give a copy of the report to the Minister, ensure the copy is given to the coroner before giving the Minister a copy.

If the Board gives a copy of the report to the Minister, the Board must make a recommendation about whether the report should be tabled in the Legislative Assembly.

The Board may make a recommendation that a report be tabled in the Legislative Assembly only if it does not contain information in a form that identifies or may identify an individual in the individual's private capacity.

If the Board recommends the report not be tabled in the Legislative Assembly, the Minister may table the report only if the Minister is satisfied the public interest in tabling the report outweighs any other considerations.

If the Board recommends the report be tabled in the Legislative Assembly, the Minister must table a copy of the report within five sitting days after receiving it, although may choose to table the report earlier than this.

Clause 5 inserts a new Part 4A, Division 9 (new sections 91ZD, 91ZE and 91ZF) to provide limits on the disclosure of confidential information and protection from liability in relation to the Board.

New section 91ZD provides that a person who is or was a member of the Board or a person engaged to help in the performance of the Board's functions must not disclose confidential information to anyone else other than to the extent the disclosure is permitted under section 91W. A breach of this requirement is an offence with a maximum penalty of 200 penalty units. Section 91W(3) sets out the circumstances where confidential information may be disclosed. The person cannot be compelled to disclose the confidential information, including giving evidence in relation to the confidential information, in any proceeding. Confidential information means information that is not publicly available, that is in a form that identifies or may identify an individual, and was acquired by, or may be accessed by, a person in the person's capacity as a member of the Board or a person engaged by the Board to help the Board perform its functions.

New section 91ZE provides that a member of the Board or a person engaged to help in the performance of the Board's functions (other than a member or person who is a State employee) is not civilly liable for an act done, or omission made, honestly and without negligence under Part 4A. If this provision prevents a civil liability attaching to a member or other person, the liability attaches instead to the State.

New section 91ZF provides that an entity that gives information to the Board as required by a notice under section 91Y is not liable civilly, criminally or under an administrative process for giving the information. The protection given to the entity extends to an entity that, in good faith, provided the person with any information on the basis of which the information was given; and an entity that was otherwise concerned in the giving of the information.

Clause 6 inserts definitions of board, chairperson, deputy chairperson, domestic and family violence, domestic and family violence death, expert reports, member, relevant relationship, and State employee into the dictionary in schedule 2.