



Changes to Family Law: Information Sharing Orders

Factsheet for parents and parties

The *Family Law Amendment (Information Sharing) Act 2023* sets out new laws about how the family law courts obtain information about family violence, child abuse or neglect from child protection, police and firearms agencies. **This change will take effect on 6 May 2024.**

This fact sheet will help you to understand how these changes may affect your parenting matter. It contains general information only and is not legal advice.



What are these changes about?

The new law will provide the family law courts with stronger powers to request information about any risks to family safety. This will support the courts to consider the facts in a parenting matter and make orders that are in the child's best interest.

The new law:

- establishes new information sharing orders to allow the family law courts to quickly seek information from child protection, police and firearms agencies (known as information sharing agencies) about family violence, child abuse and neglect that could place children at risk
- allows the family law courts to make these orders at any point in proceedings so information is accurate and up to date
- ensure sensitive information is only disclosed in a safe and appropriate manner.

These changes will apply to all new and existing parenting matters. An order can be issued at any time during a proceeding, including after a final hearing has commenced.

What types of documents or information can the Court ask for?

The new information sharing orders cover any information held by information sharing agencies that relate to any risk, exposure, or experienced family violence, child abuse or neglect. Examples of the type of information that may be shared include:

- documents (including criminal histories and police records) disclosing a history of family violence, child abuse or risk of abuse or other violent offences
- records of open, ongoing or current interventions by child protection agencies
- documents containing information about firearms licensing and applications.



How will my information be protected?

Because of the sensitive nature of the information, there are some circumstances where information may not be shared with the family law courts. For example, child protection, police and firearms agencies may choose not to share information that:

- is privileged, such as legal advice
- would reveal the identity of a person who communicated information to the agency in confidence (note: special rules apply to the disclosure of notifier information)
- would cause harm or risk to a person's life.

To ensure information is only disclosed in a safe and appropriate manner, agencies and the family law courts must consider information sharing safeguards when sharing, using, storing or accessing the information. Examples of some safeguards include:

- material will only be requested and shared when necessary to identify, assess and manage family violence, child abuse and neglect
- shared material will be provided, stored and used in a manner that prevents improper access to, or disclosure of, the shared material
- family violence, child abuse and neglect material will be shared with the courts with reasonable care to the physical and psychological safety of those involved in or affected by the sharing of information.

Do I need to give permission for my information to be shared?

You do not need to give permission for the Court to access information from an information sharing agency. You cannot object to the Court making an information sharing order. However, you can still object to shared information being used as evidence in your parenting matter if certain circumstances apply.

Will information shared be used as evidence?

If the information provided by an agency has been relied on by the family law courts in making a decision in your parenting matter, the Court must admit this information into evidence. However, there are exceptions the Court will consider in certain circumstances.

Can I still issue a subpoena to the same agencies for information?

The law about parties seeking to subpoena information from an information sharing agency has changed. If the family law courts have already made an information sharing order requesting an information sharing agency to provide documents or information, a party cannot, without the Court's permission, subpoena the same agency for information.

More information

To learn more about each part of the new Information Sharing Act, read the [Factsheet for Family Law Professionals](#) and visit the [Attorney-General's website to read about the Act](#).

The Information Sharing Act can be found on the [Federal Register of Legislation](#).

For legal advice or support, [read the Family Law Services and Support factsheet](#).

You can contact the Federal Circuit and Family Law Court of Australia on their [website](#). Please note that although court staff can assist with a range of procedural matters, they cannot give you legal advice.