

Can I give this information to someone else?

CONFIDENTIALITY IN FAMILY LAW

Family law disputes and proceedings can require you to provide personal information and private documents to the Court and other party, ranging from medical reports to financial documents.

A worry that can arise is that the information will be passed on or used outside of the family law matter.

There are several protections in place which are designed to ensure the confidentiality of documents and information as well as the privacy of people and children in family law proceedings and to prevent the distribution of material about the other party to the public generally.

One of those protections is Section 121 of the Family Law Act 1975, which makes it an offence to disseminate to the public or publish any account of family law proceedings that identifies a person or witness involved in those proceedings, with some limited exceptions.

Any information which is sufficient to identify a person to

a member of the public will be a breach of this Section, not just a person's name – publication of a picture for example, can breach this Section.

The offence is punishable by up to one year imprisonment.

There is also the Harman obligation, which provides that if a person receives information or documents from the other party who was compelled to provide it through the course of proceedings, that person cannot use the information or document for any other purpose.

As an example, bank statements required to be produced as part of family law proceedings cannot then be passed on to Child Support.

The Harman obligation arises under law and breaching it is a contempt of Court.

To be released from this obligation, a Court Order is required allowing for the release of particular documents to specified people.

In relation to any document provided as part of disclosure in family law property matters, the Court Rules specify that the

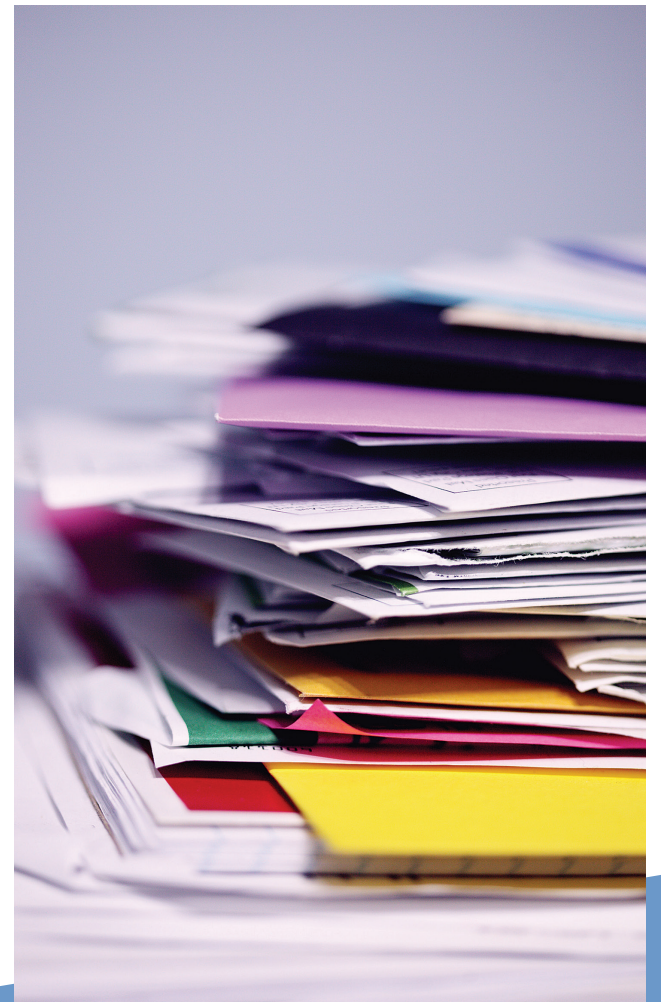
document must be used only for the purpose of the proceedings and the contents or a copy of it must not be disclosed to any other person without the Court's permission.

The Court will often also make its own orders restricting certain documents from being provided to anyone other than the parties and their lawyers, such as expert Reports in parenting proceedings.

Before passing on information or copies of documents in family law proceedings to for example Child Support, the children's school, medical services or family and friends, ensure you get legal advice. If in doubt, do not pass on the information and seek clarification as to your obligations first.

At Wightons Lawyers, our family law practitioners can provide advice to you as to your obligations and the restrictions on disclosing confidential material. We invite you to contact our office on 5221 8777 to make an appointment with our family law team.

This article is general information only and is not legal advice or a substitution for such advice.



Wightons Lawyers

Family Law

Our dedicated Family Law team understand the impact of separation on families and that each matter is unique.

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Our Family Law team are available by appointment at our Geelong, Corio and Ocean Grove offices.



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