



Make family law safe: stop putting victim-survivors of family violence and child abuse in harm's way

18 October 2019

As peak and practitioner bodies charged with preventing and responding to violence against women and children we do not accept the legitimacy of the Government's new select committee inquiry into Family Law. We are alarmed that it is proceeding against the unanimous advice of experts in the domestic and family violence sector.

This Inquiry is not only unnecessary, it is dangerous. We know what is needed to improve the system. The decision to further delay implementing these urgently needed changes is absolutely unconscionable. Women's and children's lives are on the line. They cannot wait another year for action.

The use of domestic and family violence is having a devastating impact in our communities - 8 women are hospitalised at the hands of a current or ex-partner every day, with Aboriginal and Torres Strait Islander women 32 times more likely to be hospitalised than non-Indigenous women. Right now many of the people trying to escape this violence and abuse are forced through the family law system.

This system is consistently failing them. It is manifestly unfit for purpose - it is failing to identify harm, actively discouraging people from disclosing violence, and forcing children into contact with abusive parents. In many cases it is facilitating further violence and harm.

This situation is so dire that more than one in three children post-separation report feeling "not at all safe" in their care arrangements.

Cases before the courts are often complex, and every case is different. Our government needs to ensure the court has all the information and expertise it requires to determine what's best for a child's safety and wellbeing, particularly in the context of family violence and child abuse.

Immediate action is required to stop putting victim-survivors of violence and abuse at risk, starting with:

1. Making sure courts identify safety risks that should be considered in any court decision, by implementing consistent screening and risk assessment process to protect children and parents at risk of violence;

2. Ensuring the courts have access to all relevant information by establishing a national information sharing framework to ensure information from state jurisdictions can be considered where relevant, and the courts are supported to make informed decisions that prioritise child safety and wellbeing;
3. Ensuring victim-survivors of family violence are supported and don't have to go through the court process alone - by providing social and legal supports for all parties to family law matters involving family violence or child abuse;
4. Prioritising matters where people are at high-risk - by creating a specialist case management stream for family violence matters involving children and parents at serious risk of harm, and
5. Requiring those who influence court proceedings to have competency in identifying and responding to domestic and family violence in diverse family contexts - by implementing an accreditation framework for all court officials and family law practitioners and professionals, starting with court report writers and supervised contact centre workers.

Beyond these initial urgent safety changes, the system needs comprehensive reform in accordance with expert advice including the domestic and family violence sector.

We emphasise that the achievement of any substantive improvement in the safety of the family law system will require the Federal Government ending the under-resourcing which puts victims of family violence and child abuse at unacceptable risk.

Peak and practitioner bodies stand ready to co-design and help implement reforms that are focused on improving the safety of the system. But we refuse to be complicit in the harm created by this new inquiry.

Given the nature of this inquiry, the manner in which it has been set up, and the composition and expressed positions of those leading it, we are aware that many victims-survivors do not feel safe to participate.

We remain extremely concerned that any victim-survivors who do wish to ensure their experiences are considered by this process will be unable to do so safely. In any inquiry like this where victim-survivors' testimonies must be central, essential safeguards and supports must be put in place to make the process safe for them to participate. Such safeguards should include domestic and family violence and cultural competency training for committee members, options to give evidence anonymously and remotely including via audio visual link, provision of all Inquiry materials in the full range of accessible formats, including Easy English, funded access to counselling and legal services, and media protocols around reporting.

Finally, we note that as representatives of the organisations working on the frontline responding to women and children impacted by domestic and family violence, our primary objective will always be the safety of those who rely on our services. Some organisations in our sector will engage with the inquiry under the principle of minimising harm for victim-survivors and ensuring evidence is circulated to counter misinformation. For many organisations their focus will be on responding to the

unprecedented levels of demand for safety support, and therefore they will not be in a position to divert vital resources to this dangerous inquiry.

Signed,

National Aboriginal and Torres Strait Islander Women's Alliance

WESNET - The Women's Services Network

Harmony Alliance - Migrant and Refugee Women for Change

Women With Disabilities Australia

National Council of Single Mothers and their Children

National Child Protection Alliance

Women's Legal Services Australia

Women's Safety NSW

Coalition of Women's Domestic Violence Services of SA

Women's Council for Domestic and Family Violence Services (WA)

Domestic Violence NSW

Domestic Violence Victoria

Domestic Violence Resource Centre Victoria

Women's Community Health Network WA

Women's Health NSW

No To Violence

Doctors Against Violence Towards Women

National Family Violence Prevention Legal Services Forum

National Association of Community Legal Centres Australia

People With Disability Australia

In Touch Multicultural Centre Against Family Violence

Carrie's Place Domestic Violence and Homelessness Services

North Coast Women's Domestic Violence Court Advocacy Service

Yarredi Services Inc

Women's Community Shelters
Northern Rivers Women and Children's Services Inc
Penrith Women's Health Centre
Leichhardt Women's Community Health Centre
Women's Health and Resources Foundation
Sydney Women's Domestic Violence Court Advocacy Service
Warrina Domestic and Family Violence Specialist Services
North West Sydney Women's Domestic Violence Court Advocacy Service
Central Coast Women's Domestic Violence Court Advocacy Service
Women's Centre for Health and Wellbeing Albury Wodonga
Central West Women's Domestic Violence Court Advocacy Service
Parramatta Women's Domestic Violence Court Advocacy Service
Women's Centre for Health Matters ACT
Sydney Women's Counselling Centre
Hunter Women's Domestic Violence Court Advocacy Service
Sisters Inside
Marie Stopes Australia
Association of Women Educators
Women's Legal Service Queensland
Women's Legal Service NSW
NSW Older Women's Network
Sexual Assault Support Service (Tas)
CASA Forum - Victorian Centres Against Sexual Assault
Safe Steps Victoria
Project Respect
Wirrawee Gunya
Wilmah
Jessie Street

Penrith Women's Refuge
Sera's Women's Shelter
Women's Centre Far North Queensland
Australasian Centre for Human Rights and Health
Linking Communities Network Ltd, Griffith
Griffith Women's Refuge
Emma House Domestic Violence Services
Engender Equality
Mitcham Family Violence Education and Support Service
Jenny's Place Inc
Nova for Women and Children
Newcastle Staying Home Leaving Violence
Annie North Women's Refuge
Port Stephens Family and Neighbourhood Services
99 Steps - CALD specific DFV service in Logan/Beenleigh
Women's Information, Support & Housing in the North
Women's Information and Referral Exchange
Centre Against Violence
Eastern Domestic Violence Service
Safe Futures Foundation
Bethany Community Support
Emerge Women & Children's Support Network
Northern Specialist Family Violence Service, Berry Street.
Kara House Inc.
WRISC Family Violence Support Inc.
Centre for Non-Violence
WAYSS Housing and Support Services
Georgina Martina Inc.

Northern Sydney Women's Domestic Violence Court Advocacy Services
Blue Mountains Women's Domestic Violence Court Advocacy Services
South Coast Women's Domestic Violence Court Advocacy Services
Mallee Sexual Assault Unit Inc.
Mallee Domestic Violence Services
Western Specialist Family Violence Service, Berry Street
Southern Sydney Women's Domestic Violence Court Advocacy Service
Far South Coast Women's Domestic Violence Court Advocacy Service
Mid Coast Women's Domestic Violence Court Advocacy Service
South Eastern Women's Domestic Violence Court Advocacy Service
Macarthur Women's Domestic Violence Court Advocacy Service
Women's Health West
Orana House Inc
Cairns Regional Domestic Violence Service
North Queensland Domestic Violence Resource Service
Lucy Saw Centre
Macarthur Women's Domestic Violence Court Advocacy Service
YWCA Canberra
Elizabeth Morgan House
Starick
Good Shepherd Australia New Zealand
Good Samaritan Inn
Quantum Support Services Inc
Salvation Army Family and Domestic Violence Services Western Australia
The Salvation Army Australia