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National Council of Women Australia (NCWA) submission to the Senate Standing Committees on Legal and Constitutional Affairs Inquiry into the Family Law Amendment (Federal Family Violence Orders) Bill 2021.

National Council of Women Australia (NCWA) welcomes the opportunity to provide a short submission to the Senate Legal and Constitutional Affairs Legislation Committee inquiry into the Family Law Amendment (Federal Family Violence Orders) Bill 2021.

NCWA is a volunteer membership advocacy organisation with Constituent Councils in all Australian States and the ACT working for the advancement of women and their families. It has an extensive membership of Affiliate organisations (all with significant membership numbers) and Associate members (women who join as an individual). NCWA also has a national membership of national organisations. The member organisations are very diverse and represent all sections of the community.

Everyone has a right to feel safe. Any form of domestic and family violence is totally abhorrent, sadly however it still remains unacceptably high. Victims of domestic violence continue to experience physical, psychological, emotional, financial, sexual, harassment and stalking abuse.

The Family Law Amendment (Federal Family Violence Orders) Bill 2021 will strengthen the protections offered by the family law system from perpetrators of domestic violence by introducing criminally enforceable federal family violence orders. The bill will enable those people with matters before the family law courts, to apply for a federal family violence order, removing the requirement to navigate another court system should they need to apply for a protection order.

Under the bill the orders could be made for the personal protection of a child, a parent of a child or a person who is to live with a child under a parenting order or a person who has parental responsibility for a child eg grandparent. The bill will enable federal family violence orders to restrict certain behaviours, communication and contact with protected persons. NCWA notes that the standard conditions have been developed in consultation with state and territory police to ensure that they can be enforced in practice and proven in court.

NCWA also notes that the bill addresses recommendations to improve the family law system. Several reports have considered the need for changes to the Family Law Act and the broader family law system.

NCWA supports the bill as it reduces the need for families to interact with multiple courts across the federal family law and State or Territory family violence systems. Access to federal family violence orders will mean that people can seek the protection they need in the court where their existing matter is already being heard.

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