



Northern Integrated Family Violence Services
Women's Health In the North

Friday, 28 April 2017

Committee Secretary
House of Representatives Standing Committee on Social Policy and Legal Affairs
PO Box 6021
Parliament House
Canberra ACT 2600

[Parliamentary Inquiry into a better family law system to support those affected by family violence](#)

Dear Committee Members,

Thank you for the opportunity to comment on the inquiry into improving the family law system to support those affected by family violence.

The Northern Integrated Family Violence Services (NIFVS) Regional Integration Committee focuses on regional work to achieve improved integration of family violence services and coordination with other key sectors in the Northern Metropolitan Region of Melbourne. The committee comprises specialist family violence agencies as well as representatives from a wide range of sectors including the Victoria Police, Courts, legal services, Aboriginal Community Controlled Organisations and range of other community and health services.

The NIFVS Regional Integration Committee supports the changes proposed by the Women's Legal Services Australia (WLSA) in their [Five Step plan to ensure Safety First](#) in family law, which emphasises that changes to the family law system need to ensure women and children's safety first and foremost.

Responses to the Committee's Terms of Reference

1. *How the family law system can more quickly and effectively ensure the safety of people who are or may be affected by family violence, including by:*
 - a. *facilitating the early identification of and response to family violence; and*
 - b. *considering the legal and non-legal support services required to support the early identification of and response to family violence.*

To address this issue, Step 1 proposed by WLSA recommends: ensuring that family violence specialists are based in family court registries to undertake risk assessments at the initial stages of a case; developing a process into family courts in order to manage family violence cases through triaging and case-management; and ensuring specialist services (e.g. family violence and housing) provide court-based support. The NIFVS Integration Committee agrees that these changes would bring about a more effective system to support those affected by family violence.

2. *The making of consent orders where there are allegations or findings of family violence, having regard to the legislative and regulatory frameworks, and whether these frameworks can be improved to better support the safety of family members, as well as other arrangements which may be put in place as alternative or complementary measures.*

A key component of the WLSA Five Step plan is to address the misunderstandings that parents have regarding their rights, when there is violence and abuse. As WLSA highlight in Step 1 of their plan, it is vital to remove the language of ‘equal shared time’ and ‘equal shared parental responsibility’ in the *Family Law Act 1975*. The focus needs to move to a focus on safety and risk to children as the priority in family law matters. The NIFVS Regional Integration Committee believes that changing this language will contribute to ensuring that safety of children becomes the focus of parenting arrangements where family violence is present.

3. *The effectiveness of arrangements which are in place in the family courts, and the family law system more broadly, to support families before the courts where one or more party is self represented, and where there are allegations or findings of family violence.*

As women and children, who experience family violence, are subjected to intimidation and abuse, it is critical to ensure that these abusive tactics are not continued at family law proceedings. In order to address this, Step 2 of the WLSA plan proposes ‘legislative protections to stop a victim being directly cross-examined by their abuser by amending the *Family Law Act 1975*’. The NIFVS Regional Integration Committee strongly agrees with this proposed change.

4. *How the family law system can better support people who have been subjected to family violence recover financially, including the extent to which family violence should be taken into account in the making of property division orders.*

The NIFVS Committee supports the recommendations of WLSA in Step 4 to: ‘Promote early resolution of small property disputes under \$100,000’ through alternative processes e.g. alternative dispute process; amending the Family Law Act to ensure courts consider family violence when determining a property division; and simplifying court processes and forms relating to determining a small property division.

5. *How the capacity of all family law professionals—including judges, lawyers, registrars, family dispute resolution practitioners and family report writers—can be strengthened in relation to matters concerning family violence.*

In terms of addressing building the capacity of all family law professionals in relation to family violence, the NIFVS Committee strongly supports Step 5 of the WLSA plan. This proposes that family report writers, judicial officers and legal professionals should all participate in comprehensive training regarding family violence.

In addition to responding to the above Terms of Reference, the NIFVS Committee would like to highlight Step 2 of the WLSA plan to ‘Reduce trauma and support those who are most at risk of future violence and death.’

There are many barriers to access the family law system for diverse communities, women with disabilities and women in prison. Ensuring that the system is accessible and responsive to diverse

communities is essential to ensure women and children who experience family violence are adequately supported.

As the Northern Metropolitan Region of Melbourne is highly culturally diverse, the NIFVS Regional Integration Committee has a particular interest in ensuring the family law system is accessible to these communities. More than 14% of Victoria's Aboriginal and Torres Strait Islander population reside in the northern metropolitan region. Around 30% of residents in the region are born outside of Australia. In the five years between 2008 and 2013, close to 6,000 people moved to the northern metropolitan region on humanitarian visas.

In terms of responding adequately to Aboriginal and Torres Strait Islander and Culturally and Linguistically Diverse families who are experiencing family violence, we support the WLSA proposal, under Step 2, to implement the recommendations from the Family Law Council's 2012 reports in relation to how to improve the family law system for these communities.

Thank you for the opportunity to provide feedback regarding improving the family law system for those affected by family violence.

Yours sincerely

Helen Riseborough
Chair - Regional Integration Committee
Northern Integrated Family Violence Services