



# The Salvation Army

## *The Salvation Army's response to the*

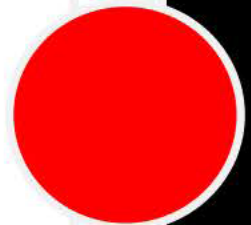
*Legal and Constitutional Affairs Legislation Committee  
inquiry into the Family Law Amendment (Family Violence  
and Other Measures) Bill 2017.*

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***The Salvation Army's response to the Legal and Constitutional Affairs Legislation Committee inquiry into the Family Law Amendment (Family Violence and Other Measures) Bill 2017.***

The Salvation Army in Australia welcomes the opportunity to comment on amendments proposed for the *Family Law Act 1975*.

**Salvation Army Services**

The Salvation Army is one of Australia's largest providers of social services and programs for the most marginalised and socially excluded individuals. The Salvation Army delivers a range of specialist family and domestic violence services including refuge accommodation, case management, advocacy, outreach support, counselling and therapeutic responses. In 2016, our family and domestic violence services assisted more than 6,400 women.

The 'Safer in the Home' program is an example of a new and innovative family violence response that The Salvation Army delivers in partnership with a private security firm. The program is designed to expand the availability and reach of basic safety and security measures that support women and accompanying children experiencing family violence, with the goal of enabling them to remain safely in their homes. Last year, the Safer in the Home program successfully supported more than 700 women across the nation.

This submission is informed by The Salvation Army's collective experience, knowledge and expertise about the issues, impacts and possible options regarding the responses to and prevention of family and domestic violence.

**Family Law Act**

The Salvation Army supports the proposed amendments to the Family Law Act to provide additional protections, responses and improved outcomes for people who experience family violence. For many, the court is a complex, expensive and at times frightening system to navigate. The Salvation Army supports additional provisions in the Bill to reduce time, cost and presentations across multiple court settings at federal and state or territory levels. This would allow for streamlined decision making processes, enhancing the ability to resolve complex matters involving family violence and child abuse across multiple court settings. Furthermore, this would reduce associated risks particularly for more vulnerable families, and prioritise the best interests, safety and wellbeing of children in family court proceedings.

The commitment to strengthening the justice responses and implementing significant changes across state, territory and Commonwealth jurisdictions requires adequate resourcing. Expanding state and territory family law responsibilities may place additional pressures and constraints on these courts, and may require additional resourcing to meet increased demand. Additional training and professional development to build on the expertise of court professionals and staff to more effectively respond to complex family law matters is critical, especially for those that involve family violence. Specialisation within courts may assist in responding to complex family court related matters. Overall, financial investment and ongoing resourcing commitments are essential to implementing and embedding the proposed changes.

In addition, The Salvation Army agrees with proposed amendments to prevent systems abuse and enable courts to dismiss vexatious and unmeritorious cases, and those that seek to minimise attempts of perpetrators to use Family Court proceedings as an abuse of process. Amendments that seek to protect victims of family violence being cross-examined by their perpetrators, in family law proceedings, are also welcomed.

The Salvation Army argues that victim-survivors of family violence should not be penalised for self-representation. Targeted resources and legal assistance are required to better assist and prepare them for court proceedings and to access to alternate dispute resolution mechanisms as appropriate. The Salvation Army also supports the proposed amendments that criminalise breaches of personal safety injunctions under the Family Law Act. This will prevent a victim-survivor of family violence having the responsibility of bringing an application to the court as a civil matter. The Salvation Army concurs that this approach sends a strong message to perpetrators and identifies family violence as a criminal offence that should be dealt with as a criminal matter.

The *Family Law Amendments (Family Violence and Other Measures) Bill 2017* demonstrates a strong commitment to family violence system reform and improving the legal outcomes and safety for many women, children and their families. There has been considerable examination of the need for change and reform within the wider family law system. For more than a decade family violence has been at the centre of many significant judicial inquiries, reviews and reports, providing recommendations and key learnings that have been incorporated into the amendments to this Bill. The Salvation Army believes that improving the responses of the family law system will promote the safety of families and children.

### **Conclusion**

In summary, The Salvation Army supports the proposed changes to the Family Law Act, which will enhance the protection, safety, and wellbeing of families who have experienced family violence.

The Salvation Army welcomes the opportunity to engage in further discussion on this matter as requested.