

Senate Standing Committee on Legal and Constitutional Affairs (Legislation Committee)

Inquiry into the Family Law Amendment (Federal Family Violence Orders) Bill 2021

Attorney-General's Department

Hearing date: 14 July 2021

Hansard page: 33

Question type: Spoken

Jenny McAllister asked the following question:

Senator McALLISTER: I wanted an update on the project under the national plan to create a new national database for sharing information about family violence and child protection orders across jurisdictions. We've talked about this before, in estimates; there was supposed to have been a scoping study completed earlier this year. Has that study been initiated?

Ms Maunder: I assume we are referring to the National Strategic Framework for Information Sharing between the Family Law and Family Violence and Child Protection Systems?

Senator McALLISTER: Yes. Thank you for knowing the name of the program. I appreciate it, because I can't always remember the exact title.

Ms Maunder: Not a worry. I may need to take that on notice and confirm the status of that. Certainly the framework remains under active development, being led by the family violence working group, but I'm sure I can provide details about the technology-scoping solution that you've referenced.

Senator McALLISTER: I'd like to know whether the study has been initiated, I'd like to know when it is due to be completed, and I'd like to have an anticipated date for when the actual technical product will be available for people working within the system. I appreciate that that needs to be taken on notice. Thank you.

The response to the Senator's question is as follows:

The Attorney-General's Department received funds under the Fourth Action Plan of the National Plan to Reduce Violence Against Women and their Children 2010-2022 to procure a consultancy to prepare a scoping study to advise on the most suitable role for technology to support information sharing under the operationalised National Strategic Framework for Information Sharing between the Family Law and Family Violence and Child Protection Systems. The National Framework is due to be considered by the Meeting of Attorneys-General in late 2021. Once the National Framework has been finalised, the Attorney-General's Department will commission a scoping study. The Attorney-General's Department will consider the findings of the scoping study before providing advice to Government on the need for any additional technological support for the National Framework.

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Jenny McAllister **asked the following question:**

Senator McALLISTER: Was it the department's decision to proceed directly to tabling without an exposure draft, or was this a decision of the minister?

Ms Maunder: I may need to take that on notice.

Dr Smrdel: The only thing I would add to that is: because a forerunner of these federal family violence orders was already presented as a bill to the parliament in 2017—which, as Ms Maunder has already outlined, was on the back of significant consultation arising out of law reform commissions and the Victorian royal commission as well—a bill had already been introduced to the parliament. Ultimately, the provisions were excised and have now been reintroduced in the form of federal family violence orders. So I think there's already been an extensive period of consultation underpinning the first bill, as a result of a previous committee investigation into the forerunner bill; at that point, it really needed a lot of consultation with the states and territories to iron out some of the issues that were identified in that previous bill. I certainly concur with Ms Maunder that, in terms of any decision, we would have to take this on notice, but it is worthy of note that this is a second bill on this issue. It has, admittedly, significantly changed from the first iteration, but nonetheless it is coming on the back of a previous bill in this area.

The response to the Senator's question is as follows:

Measures that would have criminalised breaches of family law personal protection injunctions were introduced into the Commonwealth Parliament in December 2017 in the Family Law Amendment (Family Violence and Other Measures) Bill 2017 (FVOM Bill). The department consulted on a public exposure draft of the FVOM Bill.

Feedback received during that consultation process indicated there would be broad support for a criminally enforceable family law order protecting against family violence, subject to the implementation of a workable enforcement model. This feedback informed the development of that model and the Family Law Amendment (Federal Family Violence Orders) Bill 2021 (FFVO Bill), in close consultation with the National Personal Protection Injunction Working Group (the Working Group) and its Legislative, Business and Technology advisory groups. The Working Group and its advisory groups include police, justice and courts senior officials from all jurisdictions, and had the expertise required to devise legally and operationally sound arrangements for the enforcement of the orders, to which all jurisdictions could agree.

Ministerial approval was obtained to consult with the Working Group and its advisory groups

on the draft FFVO Bill, and with selected members of the family law judiciary, and the NSW Parliamentary Counsel's Office for the purposes of informing work on the National Domestic Violence Order Scheme model law amendments.