

13 July 2018

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600
legcon.sen@aph.gov.au

Dear Committee Secretary,

Family Law Amendment (Family Violence and Cross –examination of Parties) Bill 2018

Baptist Care Australia joins other sector organisations in congratulating the Federal Government for introducing these long overdue protections to ban the direct cross-examination of those who have experienced family violence by their abusers in the family court system. It is encouraging to see a sustained interest in improving the conditions for those who have experienced family violence in their engagement with the family law courts.

It is well recognised that the direct cross-examination of people who have experienced family violence can assist in allowing the abuser to continue to perpetrate the abuse, but can also result in the court receiving incomplete or poor quality evidence which often has a negative impact on the victim.

While supportive of this legislation, Baptist Care Australia does have some concern about the lack of clarity around funding for the scheme. The proposed legislation does not make clear how the scheme will be funded and does not recognise any financial implications of this Bill. Inadequate funding will place additional stress on the already underfunded and over-burdened family law courts and inevitably undermine the success of the scheme. To date, sustained underfunding of the family law sector has had a real impact on those who have experienced family violence and their ability to receive appropriate support, advice and services in a timely fashion. As this Bill provides procedural fairness with the requirement for a legal representative, it is important that the financial implications of the legislation are considered and provided for.

In addition, Baptist Care Australia strongly believes in the importance of ongoing family violence training for all family law professionals, including legal practitioners, family report writers, mediators, registrars and judicial officers. This training should cover issues in respect to family and domestic violence and their impact on Family Law processes and judgements.

We are also supportive of improvements to the physical design of courts to improve accessibility and to better cater for the needs of those with security concerns, including safe waiting areas, adequate security staff and separate entry and exit points.

Thank you for the invitation to comment on this piece of legislation. We look forward to contributing to a broader discussion about additional protections for those who have experienced family violence and their engagement with the family law system.

Yours sincerely,

Marcia Balzer
Executive Director