

Dissenting Report from the Australian Greens

1.1 The Senate inquiry into the Migration Amendment (Family Violence and Other Measures) Bill 2016 received 14 submissions in total. With the exception of two submissions, all raised significant concerns that the bill would not achieve its intended outcomes.

1.2 Despite the evidence provided and concerns raised, the Chair's report has recommended that this bill be passed.

1.3 The Australian Greens are supportive of legislative measures that address family violence and agree with submitters that there is merit in addressing family violence in the migration law context. However, a number of concerns were raised by submitters.

1.4 The Australian Law Reform Commission (ALRC) submitted that:

[B]ecause of concerns about Australia's international obligations, as well as procedural fairness and privacy, sponsorship arrangements should not be altered.¹

1.5 The Australian Women Against Violence Alliance (AWAVA) submitted that:

[T]hese measures may...inadvertently 'punish' victims/survivors by jeopardising their ability to access a visa. Furthermore, the ambiguity of the measures raises a number of concerns about whether the proposed amendments will effectively address domestic, family and sexual violence. For example, it is far from clear whether the requirements imposed on prospective 'family sponsors' will assist in not only protecting visa applicants from domestic, family and sexual violence but also providing victims/survivors with the support they need.²

1.6 Further, the Law Council of Australia (LCA) submitted that:

There is no equivalent law that requires partners who are either citizens or permanent residents to have their partner's criminal and personal history assessed before they are granted the right to live together.³

1.7 The Australian Greens note that when the Department of Immigration and Border Protection (DIBP) previously addressed this matter they concluded that measures such as these could lead to claims that the Australian Government is arbitrarily interfering with families, in breach of its international obligations.

1.8 The majority report has not satisfactorily responded to concerns raised by the majority of submissions on this bill.

1 Australian Law Reform Commission (ALRC), *Submission 1*, p. 1.

2 Australian Women Against Violence Alliance (AWAVA), *Submission 12*, p. 2.

3 Law Council of Australia (LCA), *Submission 9*, p. 7.

Recommendation 1

1.9 The Australian Greens recommend that the bill be rejected by the Senate.

Recommendation 2

1.10 The Australian Greens recommend increased education on rights and supports available to respond to family violence for Spouse Visa and Partner Visa holders.

**Senator Nick McKim
Australian Greens**