

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
ATTORNEY-GENERAL'S PORTFOLIO

**Program: 1.4**

**Question No. AE16/064**

**Senator Waters asked the following question at the hearing on 9 February 2016:**

1. Over the last year, there has been a broad sweep of support for changing the rules in the Family Court to stop perpetrators of DV from cross-examining victims in court to bring the Family Court up to the standard of State and Territory Courts. Have you got current plans to implement a change like that?
2. If not, why not?
3. What is the status of that reform if any? When does the Court expect it to take place?
4. This was a recommendation of the Productivity Commission's Access to Justice report – recommendation 24.2 – recommending this change be made is it the government's intention to respond to that recommendation?
5. Is it your view that a rule change like that could be achieved by the Court acting alone (i.e. a change to the Court Rules), or does it require an amdt to the Family Law Act?

**The answer to the honourable senator's question is as follows:**

1. The *Family Law Act 1975* (Cth) already includes protections for vulnerable people involved in family law proceedings. For example, the courts can enable vulnerable persons to give testimony via video or in closed court, and judges can prevent offensive and humiliating questions.

On 10 March 2016, the Attorney-General's Department hosted a roundtable on cross-examination. The participants represented a cross-section of stakeholders including representatives from the federal family law courts, the state and territory criminal law system, family violence support services, family violence advocacy groups, legal assistance providers, the Family Law Council and the Family Law Section of the Law Council of Australia. The government will consider the outcomes from the roundtable.

2. See response to question 1 above.
3. See response to question 1 above.
4. The Government expects to respond to the Productivity Commission's Report on *Access to Justice Arrangements* this year.
5. The *Family Law Act 1975* (Cth) already includes protections for vulnerable people involved in family law proceedings. For example, the courts can enable vulnerable persons to give testimony via video or in closed court, and judges can prevent offensive and humiliating questions. Changes to court rules are a matter for the court.