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Issue

On 25 November 2019, Senators Waters and Polley moved a Notice of Motion calling on the Government to ensure the safety of women giving evidence to the Inquiry.

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Attachments

Attachment A: Senator Waters, Notice of Motion, 25 November 2019

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Attachment F: Joint Statement – [Make family law safe: stop putting victim-survivors of family violence and child abuse in harm's way](#), AWAVA and Fair Agenda, 18 October 2019.

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Attachment A

Australia's Family Law System Joint Select Committee

Senator WATERS (Queensland) (16:28): I seek leave to amend general business notice of motion No. 266 standing in my name for today.

Leave granted.

Senator WATERS: I also add the name of Senator Polley to the motion. I, and also on behalf of Senator Polley, move the motion as amended in the terms circulated in the chamber:

That the Senate—

(a) notes that:

(i) the parliamentary inquiry into Australia's Family Law System is going ahead,

(ii) specialist services across the women's safety sector have been contacted by survivors who are concerned that the inquiry is going ahead, and concerned they will not be believed when they speak of family violence,

(iii) concerns continue to be raised by the women's safety sector, including from the Australian Women Against Violence Alliance, that:

(A) many victims and survivors of family violence will not feel safe to give evidence, and

(B) those victims, survivors and other persons who do wish to give evidence should be supported to do so, having regard to mental and physical health risks,

(iv) specialist domestic and family violence services expect an increase in demand while the inquiry remains under way, and

(v) the Joint Select Committee on Australia's Family Law System has been informed about the essential safeguards that are needed to mitigate these concerns, but no commitments have yet been made; and

(b) calls on the Federal Government to take action to ensure that witnesses who choose to give evidence to the inquiry can do so safely, and that evidence given to the inquiry is treated respectfully, by:

(i) putting in place the essential safeguards being called for by women's safety experts to protect witnesses during the conduct of the inquiry, including rules about giving evidence in confidence or remotely, ensuring safe access to hearing venues, and media protocols,

(ii) not holding hearings until such safeguards and support for survivors of violence are implemented, and

(iii) ensuring adequate specialist and domestic family violence services are available to respond to additional demand resulting from the inquiry.

Question agreed to.



Make family law safe: stop putting victim-survivors of family violence and child abuse in harm's way

18 October 2019

As peak and practitioner bodies charged with preventing and responding to violence against women and children we do not accept the legitimacy of the Government's new select committee inquiry into Family Law. We are alarmed that it is proceeding against the unanimous advice of experts in the domestic and family violence sector.

This Inquiry is not only unnecessary, it is dangerous. We know what is needed to improve the system. The decision to further delay implementing these urgently needed changes is absolutely unconscionable. Women's and children's lives are on the line. They cannot wait another year for action.

The use of domestic and family violence is having a devastating impact in our communities - 8 women are hospitalised at the hands of a current or ex-partner every day, with Aboriginal and Torres Strait Islander women 32 times more likely to be hospitalised than non-Indigenous women. Right now many of the people trying to escape this violence and abuse are forced through the family law system.

This system is consistently failing them. It is manifestly unfit for purpose - it is failing to identify harm, actively discouraging people from disclosing violence, and forcing children into contact with abusive parents. In many cases it is facilitating further violence and harm.

This situation is so dire that more than one in three children post-separation report feeling "not at all safe" in their care arrangements.

Cases before the courts are often complex, and every case is different. Our government needs to ensure the court has all the information and expertise it requires to determine what's best for a child's safety and wellbeing, particularly in the context of family violence and child abuse.

Immediate action is required to stop putting victim-survivors of violence and abuse at risk, starting with:

1. Making sure courts identify safety risks that should be considered in any court decision, by implementing consistent screening and risk assessment process to protect children and parents at risk of violence;

2. Ensuring the courts have access to all relevant information by establishing a national information sharing framework to ensure information from state jurisdictions can be considered where relevant, and the courts are supported to make informed decisions that prioritise child safety and wellbeing;
3. Ensuring victim-survivors of family violence are supported and don't have to go through the court process alone - by providing social and legal supports for all parties to family law matters involving family violence or child abuse;
4. Prioritising matters where people are at high-risk - by creating a specialist case management stream for family violence matters involving children and parents at serious risk of harm, and
5. Requiring those who influence court proceedings to have competency in identifying and responding to domestic and family violence in diverse family contexts - by implementing an accreditation framework for all court officials and family law practitioners and professionals, starting with court report writers and supervised contact centre workers.

Beyond these initial urgent safety changes, the system needs comprehensive reform in accordance with expert advice including the domestic and family violence sector.

We emphasise that the achievement of any substantive improvement in the safety of the family law system will require the Federal Government ending the under-resourcing which puts victims of family violence and child abuse at unacceptable risk.

Peak and practitioner bodies stand ready to co-design and help implement reforms that are focused on improving the safety of the system. But we refuse to be complicit in the harm created by this new inquiry.

Given the nature of this inquiry, the manner in which it has been set up, and the composition and expressed positions of those leading it, we are aware that many victims-survivors do not feel safe to participate.

We remain extremely concerned that any victim-survivors who do wish to ensure their experiences are considered by this process will be unable to do so safely. In any inquiry like this where victim-survivors' testimonies must be central, essential safeguards and supports must be put in place to make the process safe for them to participate. Such safeguards should include domestic and family violence and cultural competency training for committee members, options to give evidence anonymously and remotely including via audio visual link, provision of all Inquiry materials in the full range of accessible formats, including Easy English, funded access to counselling and legal services, and media protocols around reporting.

Finally, we note that as representatives of the organisations working on the frontline responding to women and children impacted by domestic and family violence, our primary objective will always be the safety of those who rely on our services. Some organisations in our sector will engage with the inquiry under the principle of minimising harm for victim-survivors and ensuring evidence is circulated to counter misinformation. For many organisations their focus will be on responding to the

unprecedented levels of demand for safety support, and therefore they will not be in a position to divert vital resources to this dangerous inquiry.

Signed,

National Aboriginal and Torres Strait Islander Women's Alliance

WESNET - The Women's Services Network

Harmony Alliance - Migrant and Refugee Women for Change

Women With Disabilities Australia

National Council of Single Mothers and their Children

National Child Protection Alliance

Women's Legal Services Australia

Women's Safety NSW

Coalition of Women's Domestic Violence Services of SA

Women's Council for Domestic and Family Violence Services (WA)

Domestic Violence NSW

Domestic Violence Victoria

Domestic Violence Resource Centre Victoria

Women's Community Health Network WA

Women's Health NSW

No To Violence

Doctors Against Violence Towards Women

National Family Violence Prevention Legal Services Forum

National Association of Community Legal Centres Australia

People With Disability Australia

In Touch Multicultural Centre Against Family Violence

Carrie's Place Domestic Violence and Homelessness Services

North Coast Women's Domestic Violence Court Advocacy Service

Yarredi Services Inc

Women's Community Shelters

Northern Rivers Women and Children's Services Inc

Penrith Women's Health Centre

Leichhardt Women's Community Health Centre

Women's Health and Resources Foundation

Sydney Women's Domestic Violence Court Advocacy Service

Warrina Domestic and Family Violence Specialist Services

North West Sydney Women's Domestic Violence Court Advocacy Service

Central Coast Women's Domestic Violence Court Advocacy Service

Women's Centre for Health and Wellbeing Albury Wodonga

Central West Women's Domestic Violence Court Advocacy Service

Parramatta Women's Domestic Violence Court Advocacy Service

Women's Centre for Health Matters ACT

Sydney Women's Counselling Centre

Hunter Women's Domestic Violence Court Advocacy Service

Sisters Inside

Marie Stopes Australia

Association of Women Educators

Women's Legal Service Queensland

Women's Legal Service NSW

NSW Older Women's Network

Sexual Assault Support Service (Tas)

CASA Forum - Victorian Centres Against Sexual Assault

Safe Steps Victoria

Project Respect

Wirrawee Gunya

Wilmah

Jessie Street

Northern Sydney Women's Domestic Violence Court Advocacy Services

Blue Mountains Women's Domestic Violence Court Advocacy Services

South Coast Women's Domestic Violence Court Advocacy Services

Mallee Sexual Assault Unit Inc.

Mallee Domestic Violence Services

Western Specialist Family Violence Service, Berry Street

Southern Sydney Women's Domestic Violence Court Advocacy Service

Far South Coast Women's Domestic Violence Court Advocacy Service

Mid Coast Women's Domestic Violence Court Advocacy Service

South Eastern Women's Domestic Violence Court Advocacy Service

Macarthur Women's Domestic Violence Court Advocacy Service

Women's Health West

Orana House Inc

Cairns Regional Domestic Violence Service

North Queensland Domestic Violence Resource Service

Lucy Saw Centre

Macarthur Women's Domestic Violence Court Advocacy Service

YWCA Canberra

Elizabeth Morgan House

Starick

Good Shepherd Australia New Zealand

Good Samaritan Inn

Quantum Support Services Inc

Salvation Army Family and Domestic Violence Services Western Australia

The Salvation Army Australia