

## Amendments to the *Family Law Act 1975* to respond to family violence

### Response to the public consultation paper

#### The work of Relationships Australia

This submission is written on behalf of Relationships Australia's eight member organisations. It complements submissions provided by Relationships Australia State and Territory organisations.

We are a community-based, not-for-profit Australian organisation with no religious affiliations. Our services are for all members of the community, regardless of religious belief, age, gender, sexual orientation, lifestyle choice, cultural background or economic circumstances.

Relationships Australia provides a range of family support services to Australian families, including counselling, dispute resolution, children's services, services for victims and perpetrators of family violence, and relationship and professional education. We aim to support all people in Australia to achieve positive and respectful relationships. We also believe that people have the capacity to change their behaviour and how they relate to others.

Relationships Australia has been a provider of family relationships support services for more than 60 years. Relationships Australia State and Territory organisations, along with our consortium partners, operate around one third of the 65 Family Relationship Centres across the country. In addition, Relationships Australia Queensland operates the Family Relationships Advice Line.

The core of our work is relationships – through our programs we aim to enhance and improve relationships in the family, whether or not the family is together, with friends and colleagues and within communities. Relationships Australia believes that violence, coercion, control and inequality are unacceptable in family relationships. We respect the rights of all people in all their diversity to live life fully within their families and communities with dignity and safety, and to enjoy healthy relationships. These principles underpin our work.

Relationships Australia supports integrated cross sector, multi-disciplinary responses to family and domestic violence which focus foremost on the safety of the victim. Violence in the family is a human rights issue and Relationships Australia supports a legal framework to respond to inequality,

coercion and control, and the use of violence in families, including amendments to the *Family Law Act 1975* that protect victims of family violence.

Overall, Relationships Australia supports the amendments to the *Family Law Act 1975* as described in the public consultation paper. We particularly welcome the expansion of the jurisdiction of the State and Territory courts and the criminalisation of breaches of personal protection orders.

We offer the following comments and suggestions:

- We note the non-legislative measures that will accompany the proposed amendments, including training for judicial officers and part 2 of the National Domestic and Family Violence Bench Book. We would like to suggest that this training includes awareness of the entire family law system, including alternative dispute resolution services, counselling and targeted family supports such as specialised family violence services (for example, men's behavioural change programs and victim and perpetrator support) and parenting programs. This would further assist in integrating the legal and community sectors and increase access to support services for men, women and children.
- Training for judicial officers might usefully include screening, detection and risk assessment to increase the overall ability of State and Territory courts to identify and respond to family violence. Training should cover common tools and understandings across the legal and non-legal parts of the family law system. It should also aim to increase awareness of the needs of particular vulnerable groups, including people from culturally and linguistically diverse and Indigenous backgrounds.
- We note that these amendments are likely to increase the burden on family law services. For example, our services are already seeing a significant increase in subpoenas and requests for information, and in our experience the State and Territory courts are even more likely to seek information from services.
- It would be useful to clearly specify how confidentiality provisions in the *Family Law Act 1975* will apply when State and Territory courts are hearing and responding to multiple issues. There is currently some confusion about the intersection between protections under the *Family Law Act 1975* when information is requested by a State court.
- The budget for the non-legislative measures appears modest. The success of these reforms may be dependent on whether there are sufficient resources to adequately train judicial officers and build the capacity of the courts to deal with the increase in matters that will be dealt with, for example, an increased number of property matters.
- The public consultation paper clearly spells out the positive impacts of the proposed amendments. It may be useful to establish a mechanism for monitoring the positive and negative impacts of the reform, including any unintended consequences.

Evidence and practice confirms that domestic violence funding is well-spent in delivering improved outcomes for people impacted by domestic violence. We urge the Government to continue to focus on a co-ordinated, national policy approach together with the provision of adequate direct funding for programs which provide services to perpetrators and victims of domestic violence, their children, families and communities.

Thank you for the opportunity to provide comments on the public consultation paper on the amendments to the *Family Law Act 1975* to respond to family violence. Should you require any further clarification of any aspect of this submission or need information about the services Relationships Australia provides, please contact myself or Paula Mance, National Policy Manager, Relationships Australia.

Yours sincerely,

A handwritten signature in cursive script that reads "Alison Brook". The signature is written in black ink and is positioned below the "Yours sincerely," text.

Alison Brook  
National Executive Officer

17 January 2017