

Tuesday, 6 April 2021

A national response to family, domestic and sexual violence is needed

All comments to be attributed to Law Council President, Dr Jacoba Brasch QC.

“A coordinated national approach to family, domestic and sexual violence, as recommended within the recently released final report of the House of Representatives Standing Committee on Social Policy and Legal Affairs’ inquiry into family, domestic and sexual violence, is a positive step in addressing this scourge on our community.

Many of the report’s 88 recommendations aim to address the insidious and ubiquitous problem of family violence on a national level, which has been magnified by the COVID-19 pandemic.

The proposal for a uniform national definition of family, domestic and sexual violence, is welcomed by the Law Council of Australia as it will go some way to addressing the confusion and complexity that arises from inconsistent legislative frameworks between jurisdictions and will assist in improved data collection. The current inconsistencies such as the definitions of what constitutes family violence and abuse, and what kinds of relationships are covered hinder the ability to make comparisons and to compile a detailed national picture to inform resource allocation and service delivery.

It is also pleasing to see the Standing Committee’s proposal that federal, state and territory governments develop shared principles to guide any future offences targeting coercive and controlling behaviour. This will ensure consistency across jurisdictions to the greatest extent possible. A government funded public awareness campaign about this behaviour is supported by the Law Council.

The report also lists a suite of recommendations calling for additional funding to legal assistance services to assist victim-survivors of family, domestic and sexual violence, and engage more social workers experienced in family violence, child protection and family law matters. This is in addition to the welcomed recommendation that there be a commitment to increasing the overall baseline funding for specialist family and domestic violence service providers.

The Law Council has consistently called on governments to increase funding for courts to adequately address issues related to family violence and welcomes the report’s recommendation to increase funding for support services.

Although judges do their best, the family law courts, and associated services are not adequately resourced to properly deal with violence and its effects. The report finds that despite the significant investments made by federal, state and territory governments to date, they are not enough to meet the unmet need. This includes the lack of safe environments when litigants are appearing in court, through to poor accessibility for victims to support services.

It is disappointing that the report did not consider or call for additional funding for the courts to adequately address family violence in the justice system. The Law Council is currently continuing to consider the report in detail.”

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