



The Royal
Australian &
New Zealand
College of
Psychiatrists



7 February 2018

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

By email to: legcon.sen@aph.gov.au

Dear Committee Secretary

Re: Family Law Amendment (Family Violence and Other Measures) Bill 2017

The Royal Australian and New Zealand College of Psychiatrists (RANZCP) welcomes the opportunity to provide feedback to the Senate Legal and Constitutional Affairs Committee on the Family Law Amendment (Family Violence and Other Measures) Bill 2017. We strongly support the main purpose of the Bill to enhance the capacity of the family law system to provide effective outcomes for people who are experiencing family violence.

The RANZCP is the principal organisation representing the medical speciality of psychiatry in Australia and New Zealand and is responsible for training, educating and representing psychiatrists on policy issues. The RANZCP represents more than 6000 members, including more than 4000 qualified psychiatrists, and is guided on policy matters by a range of expert committees, including the Family Violence Psychiatry Network.

As the peak body representing psychiatrists in Australia, the RANZCP is strongly committed to reducing and addressing the psychological, psychiatric and mental health sequelae of family violence. As experts in mental health, psychiatrists recognise the profound impacts violence of this sort can have on the long-term health and well-being of individuals. We fully appreciate the value of implementing effective prevention, early intervention and support programs.

In particular, the RANZCP is very concerned about the inappropriate use of mental health reports and psychiatric diagnoses in custody battles. The effects of family violence on the mental health of affected individuals is well understood and should not be used in courts to accuse victims of being unfit parents.

As such, the RANZCP supports the proposed amendments including:

- criminalising breaches of family law injunctions made for personal protection
- removing the requirement that a court must explain certain matters to a child, when it would not be in the child's best interest to receive the explanation
- remove misleading and unnecessary wording that suggests that conjugal rights and an obligation to perform marital services still exist in Australian law
- strengthening and codifying the power of the family law courts to dismiss unmeritorious cases and proceedings that are frivolous, vexatious or an abuse of process.



The RANZCP believes that, with regard to the criminalisation of family law injunction breaches, many perpetrators of family violence may already have a significant history of breaches and thus any criminal offence would be likely to have little preventative/protective power unless there are serious consequences for each breach. We also note that the strengthening of court powers to dismiss unmeritorious cases can be assisted through access to the perpetrator's history in the family and criminal courts as well as with police and other child protection services, to enable any pattern of cumulative harm to be demonstrated.

The RANZCP is concerned that courts may sometimes disregard these matters in attempts to appear fair and just. In the RANZCP's view, the proposed amendments will ensure that courts are more able to make appropriate decisions in light of the actions of perpetrators and the potential effects on the mental health of victims of family violence.

If you would like to discuss any of the issues raised in the submission, please contact Rosie Forster, Executive Manager, Practice, Policy and Partnerships via
or by phone on

Yours faithfully

Dr Kym Jenkins
President

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