

NATIONAL FAMILY VIOLENCE PREVENTION LEGAL SERVICES

WORKING TO ACHIEVE IMPROVED JUSTICE OUTCOMES FOR ABORIGINAL AND TORRES STRAIT ISLANDER
VICTIMS/SURVIVORS OF FAMILY VIOLENCE AND SEXUAL ASSAULT

Dear Committee members,

RE: Submission to the Legal and Constitutional Affairs Legislation Committee – *Family Law Amendment (Family Violence and Other Measures) Bill 2017*

The National Family Violence Prevention Legal Services Forum (NFVPLS) welcomes the opportunity to respond to the *Family Law Amendment (Family Violence and Other Measures) Bill 2017* (**'the Bill'**).

Please find attached our [submission](#) made to the Family Law Branch of the Attorney-General's Department in February 2017 in response to the Public Consultation Paper.

In particular, we highlight the following key themes from our previous submission which remain pertinent and we respectfully encourage the Committee to consider:

- Our clients are often reluctant to use the family law system due to its technicality, formality and the potentially re-traumatising nature of completing extensive affidavits. While the ability to resolve parenting matters in the same hearing at a children's court may be an incentive for some clients, we are concerned that Aboriginal and Torres Strait Islander women may face increased pressure to consent to parenting orders without proper and culturally safe legal advice. It is therefore essential to ensure that all Aboriginal and Torres Strait Islander victim/survivors of family violence have access to culturally safe and holistic legal advice through strengthened referral pathways and protocols to FVPLSs, and providing increased funding to FVPLSs to meet this increased demand.
- Expanding the jurisdiction of state and territory children's courts without increased investment of resources to enable local courts and associated services to respond to the increased complexity and demand would be disastrous. Prior to the implementation of the proposed amendments, additional resourcing must be made available to state and territory courts and to legal assistance services, including FVPLSs.
- It is essential to develop and implement comprehensive and informed cultural awareness training for judicial officers at Children's and Magistrates Courts, including specific training in relation to the unique needs and barriers of Aboriginal victims/survivors of family violence and strengthened family law training. Corresponding training must also be provided for child protection agencies and police.
- Community legal education fulfils a vital role in promoting awareness of legislative changes. It is vital to increase funding for community-led and culturally safe community legal education provided by organisations like FVPLS's to ensure Aboriginal and Torres Strait Islander victim/survivors of family violence are empowered to access their rights under the proposed amendments.

For greater detail on our position, we kindly refer you to our prior submission. Should you have any questions about this letter, please do not hesitate to contact Renee Cumming, Executive Officer, NFVPLS Secretariat via _____ or _____.

Yours faithfully,

Antoinette Braybrook
Convenor, National Family Violence Prevention Legal Services Forum