
Good afternoon,

WLSA took on notice the following question from Senator Scarr:

Senator SCARR: Okay, thank you. Our third topic is the issue of costs. Before I get to this question, could I ask all of you to take on notice the Law Council of Australia's submission. They made a number of recommendations. I'd be keen to get each of your views on those recommendations—whether or not you agree with them or have any concerns about them based on your practice at the coalface. That would be very useful.

Please see below response from WLSA to the question on notice taken from Senator Scarr:

Issue raised by the Law Council of Australia	Response from Women's Legal Services Australia (WLSA)
Floodgates/resourcing	We do not agree. The Courts already deal with a significant number of DFV matters, these provisions are also for the benefit of self-represented parties, and it is important to recognise the financial impact of DFV, for the reasons outlined in WLSA's submission.
Economic or financial abuse - add word consent	We do not agree. Consent can be difficult to prove and could be coerced.
Dowry definition	We do not agree. The definition relates to dowry only and therefore the change is unnecessary.
Companion animals	We agree. The provisions should clarify that the court can make interim orders regarding companion animals, for the reasons outlined in WLSA's submission.
Less adversarial approach	It is our position that the less adversarial approach should apply in all matters unless the court orders or the parties consent, for the reasons outlined in WLSA's submission.
Duty of disclosure	We agree. The provisions should be clear to all parties, particularly in contravention or contempt applications and if a party is no longer in possession of the document, for the reasons outlined in WLSA's submission.
Arbitration	We do not have views on this.
Costs	It is our position that all costs provisions that apply to Legal Aid should apply to Community Legal Centres (CLCs). Funding contracts usually provide that CLCs must prioritise assisting financially disadvantaged parties. Whether a party is legally aided (or assisted by a CLC) is also only one factor for the court to consider when making a costs order.

Kind regards,

Lara