

18 December 2018

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

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

Dear Committee Secretary,

Re: Federal Circuit and Family Court of Australia Bill 2018; Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Bill 2018

On 12 December 2018, Rape & Domestic Violence Services Australia (R&DVSA) gave evidence to the Senate Legal and Constitutional Affairs Legislation Committee at a public hearing in regards to the above Bills.

I would like to issue a correction in relation to the evidence which I provided the Committee.

During the hearing, I noted to the Committee that law reform initiatives often involve significant delays in implementation. By way of example, I referenced the National Domestic Violence Order Scheme. I noted that the Scheme was a recommendation made by the Australian Law Reform Committee and the New South Wales Law Reform Commission in their 2010 report, 'Family Violence – A National Legal Response.' I told the Committee that eight years later, the reform had still not been implemented.

It has since come to my attention that in fact, the National Domestic Violence Order scheme has recently been implemented and commenced operation on 25 November 2017. All Domestic Violence Orders (DVOs) issued in an Australian state or territory from this date are now automatically recognised and enforceable nationally.

I apologise for misleading the Committee on this point.

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Counselling Services

24/7 NSW Rape Crisis 1800 424 017

CBA Domestic &
Family Violence Line 1800 222 387

Sexual Assault
Counselling Australia 1800 211 028

rape-dvservices.org.au

However, I note that my essential argument remains valid. Law reform in relation to family violence is a difficult, complex and often slow process.

We acknowledge that the Government's intention to fast track this legislation is well-intentioned. However, we caution that to do so risks investing significant time, resources and energy into a reform that will not achieve its stated objectives.

It is imperative that the Government allocate the necessary time and resources at this stage to assess the potential impacts that this reform will have on people who have experienced, or are at risk of, family violence. Let's get it right now, so that we do not find ourselves in the same position seven years down the track of implementation.

As such, R&DVSA urge that the Government suspend the Bills until the conclusion of the ALRC inquiry into the family law system and refer the issue of structural reform to the ALRC for consideration.

If you have any questions or would like to discuss further, please do not hesitate to contact me on or by email at

Yours faithfully,

Karen Willis
Executive Officer
Rape and Domestic Violence Services Australia