

6 October 2017

Dr Andréa Cullen Secretary,  
Standing Committee on Justice and Community Safety  
ACT Legislative Assembly  
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CANBERRA ACT 2601.

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Dear Dr Cullen,

The Women's Legal Centre (ACT & Region) (the Centre) thanks the Standing Committee on Justice and Community Safety for the opportunity to provide comments on the Inquiry into Domestic and Family Violence: Policy Approaches and Responses.

The Centre has welcomed the ACT government's commitment to addressing domestic and family violence and the significant budget allocation to the Safer Families initiative. The Centre is glad to provide feedback on current progress against the Safer Families initiative announcements.

The Centre provides professional, specialist legal services to women in the ACT and region. Our primary practice areas are domestic and family violence, family law (including divorce and separation, children's matters and property settlements), employment law, discrimination law, care and protection matters and victims of crime compensation. The Centre is accredited by the National Association of Community Legal Centres.

The Centre is the only community legal centre in Canberra that practices in the area of family law and therefore plays a crucial role in the legal assistance sector and in the ACT's response to domestic and family violence.

The Centre has a specialist Domestic Violence Program which provides intensive legal advice and representation to women experiencing domestic and family violence as well as holistic case management services. The Program focuses on providing support to women experiencing, or at risk of experiencing, domestic and family violence, including providing assistance to establish and formalise appropriate care arrangements for children, which limit exposure to risk of re-victimisation from an ex-partner, as well as obtaining a just and equitable property settlement to sever the financial relationship with an ex-partner and support sustainable financial independence. In recognition that women facing violence often need more than just a legal response, we employ a social worker in the Program to assist women to address non-legal needs including providing referrals, safety planning and non-legal advocacy. From January to June 2017, the program assisted 184 clients.



The Centre has been providing services to women in the ACT and surrounding regions since 1996. We prioritise assistance to the most vulnerable and disadvantaged women including those from culturally and linguistically diverse communities, Aboriginal and Torres Strait Islander women, women with disabilities, and women living in poverty. Notably, two in three of the women who sought assistance from the Centre in 16/17 have experienced family violence. Our experience assisting these women informs our comments in this submission.

Noting our support for the ACT Government's current commitments in relations to domestic and family violence, our submission seeks to suggest some priority areas for action and provide some general comments with regards to broader policy approaches to domestic and family violence in the ACT.

Throughout this report we make frequent reference to previous relevant inquiries and reports, in particular:

- 2016 Community Services Directorate report on the *ACT Domestic Violence Service System: Final Gap Analysis Report (Gap Report)*.
- 2016 Domestic Violence Prevention Council public report on *Findings and Recommendations from the Review of Domestic and Family Violence Deaths in the Australian Capital Territory (Death Review)*.
- 2016 Laurie Glanfield AM and Board of Inquiry report *Review into the system level responses to family violence in the ACT (Glanfield Inquiry)*.
- 2016 Victoria Royal Commission into Family Violence: Summary and Recommendation (**Royal Commission**)

We have highlighted commitments from the Safer Families budget and recommendations from the Gap Report, Death Review and Glanfield Inquiry which reinforce our recommendations.

The Centre is a signatory of the ACT Women's Service's Network's submission to this Inquiry and supports the recommendations made therein.

Thank you again for the opportunity to contribute to this inquiry.

Sincerely,

Elena Rosenman  
Executive Director



## **1. The adequacy and effectiveness of current policy approaches and responses in preventing and responding to domestic and family violence in the ACT**

We welcome the ACT Government's recent focus and investment in responding to domestic and family violence. The Centre has a number of specific recommendations with regard to the Safer Families initiative which are canvassed in the following section of our submission.

The Centre believes the Safer Families initiatives provide a good base for action, but the experience of our clients shows there is more which can be done to provide victims of violence, and their children, with a coordinated and victim-centred approach which prioritises safety and empowers women. The Centre encourages the ACT Government to address the most difficult issues after years of policy neglect from all levels of government.

There are two higher level principles that we believe to be critical to the effectiveness of policy intended to respond to domestic and family violence, which we would like to raise. The first is the need to ensure that policy, law reform, service development and implementation should be focused on women's long-term safety and empowerment and the safety and well-being of their children. This includes supporting women's long-term financial and housing security, as well as care arrangements for children. For many women these longer term-goals are, in part, secured through family law proceedings.

Secondly, the Centre strongly supports the need to develop and/or support specifically tailored services and programs to meet the needs of especially vulnerable women most in need or least likely to feel that services will understand and respond to their experiences. This includes women from culturally and linguistically diverse backgrounds, women with a disability, LGBTQI community and women experiencing poverty and homelessness.

The Centre is particularly concerned with the experiences of Aboriginal and Torres Strait Islander women. We welcome the ACT Government's commitment to prioritising the Coordinator-General's work with members of the Aboriginal and Torres Strait Islander community to ensure services provided through the Safer Families initiative are culturally appropriate.<sup>1</sup> We also welcome that ACT Government's investment in the Centre's Aboriginal Women's Access to Justice Program. A recent increase in this investment has allowed the Centre to employ additional staff in the Program, including a dedicated part-time solicitor, and provide integrated legal and case-management support to clients, including clients experiencing domestic or family violence.

Aboriginal and Torres Strait Islander women are 35 times more likely to be hospitalised due to a family violence related assault than non-Aboriginal or Torres Strait Islander women.<sup>2</sup> Aboriginal and Torres Strait Island children are also disproportionately represented in the ACT child protection system. At 30 June 2016, Aboriginal and Torres Strait Islander children on

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<sup>1</sup> ACT Government, Australian Capital Territory Budget 2016–17 for Canberra – Safer Families, [https://apps.treasury.act.gov.au/data/assets/pdf\\_file/0004/870295/Safer-Families.pdf](https://apps.treasury.act.gov.au/data/assets/pdf_file/0004/870295/Safer-Families.pdf)

<sup>2</sup> Australia's National Research Organisation for Women's Safety Limited (ANROWS), Fast Facts — Indigenous family violence, <https://anrows.org.au/sites/default/files/Fast-Facts---Indigenous-family-violence.pdf>



orders in the ACT was 89.9 per 1000 children compared to 6.9 for non-Indigenous children.<sup>3</sup> The Glanfield Inquiry found that many Aboriginal women avoid seeking support or medical treatment for fear of CYPS forcibly removing their children as a result.<sup>4</sup> This finding is supported by the experiences of the Centre's Aboriginal clients.

Aboriginal women are the most legally disadvantaged in Australia. There no specific Aboriginal women's legal service in in the ACT and Aboriginal women face barriers in accessing legal advice and representation from existing legal assistance services.<sup>5</sup> A dire lack of case workers and lawyers proficient in child care and protection and family law have contributed to highly concerning levels of unaddressed domestic and family violence and persistent over-representation in the child protection and criminal justice systems in the ACT.<sup>6</sup>

Aboriginal women also face unique challenges in family law and other matters due to their large kinship systems (for example, multiple parties to proceedings, difficulty finding legal assistance due to conflicts of interest). Aboriginal and Torres Strait Islander people also experience challenges in navigating through a system that does not recognise their traditional laws and does not take their cultural needs into account.

To adequately respond to Aboriginal women's experience of violence and reduce obstacles to their seeking assistance, their needs must be prioritised across ACT Government policy areas, not just domestic and family violence policy. Of particular note is the ACT Aboriginal and Torres Strait Islander Agreement and specifically the Aboriginal and Torres Strait Islander Justice Partnership, which is currently being renewed. This Partnership should include specific actions to meet Aboriginal women's justice needs, particularly in relation to domestic violence and engagement with CYPS.

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3 Coolamon Advisors 2017, Aboriginal and Torres Strait Islander Community Forum: Domestic and Family Violence

4 ACT Government, *Report of the Inquiry: Review into the system level responses to family violence in the ACT*, April 2016, p. 72 and associated Recommendation 16.

5 Aboriginal and Torres Strait Islander women have experienced being legally 'conflicted out' of assistance from other culturally competent services like the ACT Aboriginal Legal Service and Legal Aid, with male partners having accessed those services first due to experiencing arrest, for example. For this, and other reasons, women-only services are important to ATSI women's access to justice. See further 'ACTCLAF Report on the review of legal assistance services for ATSI people in the ACT and surrounding region', ACT Legal Assistance Forum, January 2010, p 8

6 See further the ACT 'Closing the Gap Report' 2015, p.1



## 2. Recommendations with regards to the implementation of the ACT Government's 2016–17 funding commitments to prevent and respond to domestic and family violence in the ACT, in particular how outcomes are being measured

### WLC Recommendation 1

Ensure that the **Family Safety Hub** can be accessed by those most isolated in the community, especially those with low literacy or internet access. The Family Safety Hub should also support **current non-government service providers** to connect with each other and provided integrated and collaborative support to clients.

### WLC Recommendation 2

Ensure that community-based women's and domestic/family violence services be funded by the ACT Government to a level that will allow them to meet increased demand caused by the Hub, work collaboratively to provide integrated support and to provide long-term support to women to ensure sustainable outcomes. Specific funding for effective monitoring and evaluation should be provided to ensure these services form part of a strong-evidence base for ACT domestic and family violence initiatives.

The Centre has welcomed the ACT Government's commitment to co-design the Family Safety Hub. The Centre has been involved in the co-design processes led by the Office of the Coordinator-General for Family Safety and looks forward to the hearing how these processes have informed the final design of the Hub. The Centre encourages the Office of the Coordinator-General to continue close collaboration with the domestic and family violence sector in the ongoing steering and monitoring of the Hub model. This includes particular attention to seeking out input from Aboriginal and Torres Strait Islander people, as well as input from women who have or are experiencing family violence and access the service system for assistance.

The Centre remains concerned that all services, and especially the Family Safety Hub, is accessible to those women who are most vulnerable, at risk, or least likely to engage with support services. We understand the current focus of the Hub design may be on a 'virtual' rather than physical hub. In our view, such an approach heightens the importance of ensuring access for those most isolated service users, and this should be incorporated as a priority in the design of the model, and the effectiveness of the model should be monitored and evaluated in this regard.

Fragmentation in the sector and silos between service providers restricts the ability of the Centre to address a client's non-legal needs and depend on an individual's connections to other service providers. The most at need in the community may not have means to access the Hub. Lack of mobility, low literacy and limited internet access may be barriers to a woman presenting physically or online to the Hub. The ACT should look to the Victorian model of support and safety hubs (\$448.1 million over 4 years) to address access barriers. The Victorian model includes safe and accessible physical locations, out posted and outreach workers, and online and telephone



platforms. These hubs offer co-location of other services required by victims and receives police referrals for victims and perpetrators, referrals from non-family violence services and self-referrals.

The Hub has the potential to overcome the constraints of individual service providers by connecting services to each other, to address a survivor's long-term needs. The Hub should enable legal services, housing, counselling, health services and other service to coordinate around a survivor and her requirements.

The Centre is aware many community-based women's and domestic/family violence services are already struggling to meet demand and recommends these services be funded by the ACT Government to a level that will allow them to meet increased demand caused by the Hub, work collaboratively to provide integrated support and to provide long-term support to women to ensure sustainable outcomes. The Centre also recommends the community-based sector should be specifically supported to incorporate effective monitoring and evaluation into program design and delivery. This would support a strong-evidence base for ACT initiatives and future work in this area.

The Hub design will also need to incorporate a nuanced approach to information sharing which prioritises the safety of women and children, but also works to build trust between the service user and the system, and responds effectively to the different professional realities of different services and service providers.

### **WLC Recommendation 3**

Prioritise the development and implementation of a **Common Risk Assessment Toolkit** across ACT.

The Centre has welcomed the Safer Families Budget allocation of \$50,000 to developing a risk assessment tool for people experiencing family violence.<sup>7</sup> Based on our experience of working with women experiencing violence, and our understanding of best practice system approaches to family violence, the Centre strongly emphasises the importance of this project.

A Common Risk Assessment Toolkit should create a common understanding of what constitutes domestic and family violence, and enable all agencies to measure the risk of harm, reoccurrence, escalation or death to a woman and her family and respond to those risks in a consistent manner. The Victorian Royal Commission into Family Violence found a consistent approach to risk assessment and risk management is vital for protecting victims' safety.<sup>8</sup> While the development of an ACT Family Safety Hub is important, its intentions to support victims through an integrated support services system will be undermined by the lack of a common sector wide approach to risk assessment.

<sup>7</sup> Inquiry into referred 2015-16 Annual Reports – Responses to questions on notice, Prevention of Domestic and Family Violence portfolio at p6. <  
[www.parliament.act.gov.au/\\_data/assets/pdf\\_file/0006/1057866/2-05-17-Min-for-PDFV-QoN-responses-combined.pdf](http://www.parliament.act.gov.au/_data/assets/pdf_file/0006/1057866/2-05-17-Min-for-PDFV-QoN-responses-combined.pdf)>

<sup>8</sup> State of Victoria, Royal Commission into Family Violence: Summary and recommendations, Parl Paper No 132 (2014–16), p 19.



We understand the Office of the Coordinator-General for Domestic and Family Violence has been focussed on developing a Common Risk Assessment Toolkit since the position was created by the ACT Government in 2015.<sup>9</sup> The Centre acknowledges the Coordinator-General for Family Safety reported in March 2017 that she was considering how a risk tool could be developed for the ACT, taking into account the Council of Australian Governments” (COAG) decision to task the Law, Crime and Community Safety Council (LCCSC) to develop a national risk assessment framework.<sup>10</sup> We also recognise that risk assessment tools already exist in various ACT agencies, including the CYPS Integrated Management System, which includes a risk assessment framework, (developed with the support of the ACT Government in 2015) and t ACT Policing.

However, the Centre is of the view the ACT should not delay in designing and implementing a Territory-wide inter-disciplinary tool and urges the Office of the Coordinator-General to prioritise this work, in close consultation with the LCCSC. The Centre also hopes the Office’s commitment to co-design and consultation extends to the development of this Toolkit to ensure a) it takes advantage of the experience of those services already using their own risk assessment tools, including the Centre; b) consults with Aboriginal and Torres Strait Islander, culturally and linguistically diverse women to ensure the Toolkit is capable of capturing the nuance and different reality of domestic and family violence in these communities and c) the Toolkit applicable to and useable by mainstream community and health services who are not currently using risk assessment tools of their own, given that many women will seek assistance from non-specialist services in the first instance.

The Centre is currently in the process of developing and trialling our own risk assessment tool, which draws strongly from the Victorian Common Risk Assessment Framework. This experience has emphasised for us that whilst strong internal risk assessment processes are critical when working with women experiencing violence, having a shared language and approach to risk across all services would assist in obtaining quick and appropriate service responses for women in high-risk situations.

In our view, the Victorian Common Risk Assessment Framework could be used as a basis for an ACT model, noting this framework is currently being reviewed and that the ACT may be able to leverage the Victorian government’s work in this area.

## **Supporting Recommendations**

### **Death Review Priority Recommendation 4**

*The ACT Government fund an independent academic, supervised by the DVPC, to develop a Risk Framework for the ACT.*

### **Gap Report Recommendation 10**

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<sup>9</sup> Glanfield Inquiry at page 87, referring to Canberra Times (29 November 2015) ‘ACT’s anti-domestic violence boss calls for better information sharing across the sector’. <<http://www.canberratimes.com.au/act-news/act-antidomestic-violence-boss-calls-for-better-information-sharing-across-sector-20151124-gl6cd7.html>>

<sup>10</sup> Inquiry into referred 2015-16 Annual Reports – Responses to questions on notice, Prevention of Domestic and Family Violence portfolio at p6. <[www.parliament.act.gov.au/\\_data/assets/pdf\\_file/0006/1057866/2-05-17-Min-for-PDFV-QoN-responses-co\\_mined.pdf](http://www.parliament.act.gov.au/_data/assets/pdf_file/0006/1057866/2-05-17-Min-for-PDFV-QoN-responses-co_mined.pdf)>



[The ACT Government should develop] *A shared risk assessment framework (that includes coercion and control) for use across the ACT and develop clear information sharing systems would improve women's experience of entering the service system.*

#### **Glanfield Inquiry Recommendation 24**

*The ACT Government consider funding for ICT systems to support information sharing within the proposed Family Safety Hub discussed in Chapter 9. This may include procurement of an off the shelf product or building on an existing system to keep costs to a minimum.*

#### **Royal Commission Recommendation 1**

*The Victorian Government review and begin implementing the revised Family Violence Risk Assessment and Risk Management Framework (known as the Common Risk Assessment Framework, or the CRAF) [by 31 December 2017] in order to deliver a comprehensive framework that sets minimum standards and roles and responsibilities for screening, risk assessment, risk management, information sharing and referral throughout Victorian agencies.*

#### **Gap Report Recommendation 4**

*Data on domestic violence would be strengthened if data collection was mandated and intimate partner violence distinguished from other forms of violence.*

#### **WLC Recommendation 4**

Provide adequate resourcing to the Australian Federal Police to enable the implementation of a police-applicant Family Violence Order scheme.

The allocation of funds to ACT Policing to employ two dedicated Order Liaison Officers (OLOs) to assist applicants in applying for family violence orders through the Safer Families initiative was a welcome recognition of the role of police in applying for family violence orders.

However, in the Centre's view, this initiative should be developed so that police play a central role in making applications for family violence orders. Unlike other Australian states and territories, family violence orders in the ACT are primarily applied for by the individual affected by domestic/family violence. This departs from other Australian states and territories where police apply for protection orders on behalf of the woman.

There are multiple benefits of a police-led protection order scheme for victims:

1. This scheme would allow victims are to distance themselves from the proceedings because the application is made by police. This is important as a survivor may experience increased violence for seeking a family violence order. Women, particularly Aboriginal and Torres Strait Islander women, may also experience discrimination from their community for taking positive action against a perpetrator. Police applications for protections orders offer women a degree of separation from the process. It places the onus on the police, rather than the survivor, to seek protection for a woman.



2. Protection order schemes led by police may also remove the cost burden of running legal proceedings from the survivor herself. We note however that in other jurisdictions legal advice services are still available to survivors for whom police applications are made and should such a system be implemented in the ACT these services would continue to be needed here
3. A police-led protection order scheme also facilitates police issuing short-term protection orders at the time the complaint of violence is made or incidence of violence occurs, such as safety notices used in Victoria<sup>11</sup> or provisional Apprehended Domestic Violence Orders in NSW.<sup>12</sup> Whilst the ACT has after-hours orders (which Police can apply for outside of Court hours and can be made by a duty Magistrate, lasting up to 2 business days)<sup>13</sup> the benefit of these other schemes is that they automatically give rise to an application for a longer-term order, which is then run in the courts by police.

We understand that the implementation of such a system in the ACT may require significant reform and additional funding for police to ensure they have capacity to prosecute and run matters.

We also note the ACT Government's involvement in the National Domestic Violence Order Scheme (NDVOS), and the introduction of legislation to facilitate the NDVOS when it is implemented nationally. This is an important reform, particularly for women living near or across borders, such as regularly occurs for women in the ACT and local NSW region. The Centre would welcome updated information being made available about when the NDVOS will be implemented and operational in the ACT.

#### **WLC Recommendation 5**

Develop and deliver a family violence training package for and universal community, health and other relevant service providers to support the government training initiative in the Safer Families package. The focus should be on identification, early intervention and appropriate response to family violence.

We welcome the Government's investment in training for frontline staff across ACT government services in health, community, emergency services and education. In our view, this investment in training should be extended to non-government community, health and related services to support consistent good practice across the ACT's response to family violence.

Knowledge gaps in the sector have adverse impacts on the victims of family violence. Positive outcomes are inhibited by a lack of understanding of the breadth of what constitutes family violence (including controlling behaviour and stalking), the impact of family violence on victims and their children, and the appropriate avenues for legal and non-legal responses to family violence. An important element of this is sensitivity training to work with survivors of violence, and building workers understanding of the impacts and effects of trauma. Cultural competency, particularly of

<sup>11</sup> See Part 3, *Family Violence Protection Act 2008* (VIC)

<sup>12</sup> See Part 7, *Crimes (Domestic and Personal Violence) Act 2007* (NSW)

<sup>13</sup> See Part 7, *Family Violence Act 2016* (ACT)



Aboriginal and Torres Strait Islander Communities and CALD communities is another important element in improving responses to family violence.

The Gap Analysis found the cause of mainstream services lack of capacity to deal with domestic/family violence was an unmet need for consistent training.<sup>14</sup> Additionally, Recommendation 1 of the Death Review is for the ACT Government to develop and implement a public education and communication strategy on family violence.

There is an urgent need to increase the service provider understanding of the nature and dynamics of family violence, including the non-physical violence such as controlling and coercive behaviour. In our view ensuring training is available to non-government service providers is an important investment that could be made to improving outcomes for victim/survivors accessing the service system in the ACT. Consistency in training is also vital to achieving effective collaboration and integration across services within the system when responding to the needs of victim/survivors. The Centre points to the work of the Victorian Domestic Violence Resource Centre, which is funded by the Victoria Government, in this regard.

## **Supporting Recommendations**

### **Glanfield Inquiry Recommendation 4**

*Adequate resources should be made available or funding provided to deliver training on family violence for frontline works.*

### **Gap Analysis Further Recommendation 5**

*A single cross government training framework for mainstream services would provide an improved response to women presenting at Government services.*

### **WLC Recommendation 6**

That the Office of the Coordinator General for Domestic and Family Violence provide regular public reports on progress against the Safer Families initiative.

The Centre has welcomed the ACT Government's commitment to addressing family and domestic violence, including the Safer Families initiatives. This commitment has been strengthened by the current Coordinator General for Domestic and Family Violence, Jo Woods', approach of taking the time to work in close collaboration with the sector and ensure initiatives are robust and responsive in design.

The Centre supports increased investment in coordinated data collection, analysis and research, including effective monitoring and evaluation of Safer Families initiatives. Given the interest and engagement in this issue, the Centre would support the Coordinator General or responsible Minister reporting publicly to the ACT Legislative Assembly on progress against the Safer Families initiatives on perhaps an annual basis or another appropriate reporting mechanism. This would

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<sup>14</sup> Final Gap Analysis Report, ACT Domestic Violence Service System, May 2016, at p51.



also assist in developing the understanding of mainstream or non-specialist services of the work being undertaken in this area and the increasing support available to their clients.

As noted above, the Centre also recommends the community-based sector should be specifically supported to incorporate effective monitoring and evaluation into program design and delivery. This would support a strong-evidence base for ACT initiatives and future work in this area.



### 3. The issues and policy challenges for the ACT arising from the National funding and agenda/policy setting regime/framework - including how outcomes are measured and reported

#### WLC Recommendation 7

The ACT Government response to domestic and family violence remain attentive to the issues caused by inconsistencies between relevant ACT and Commonwealth jurisdictions, particularly with relation to the family law, child protection and protection order jurisdictions

The ACT Government should act to ameliorate the risk caused by these inconsistencies and provide victims with a more integrated response through amending practice in the ACT and/or supporting law and policy reform in the Commonwealth jurisdiction.

A focus of the Centre's day-to-day work is assisting women experiencing violence to navigate the legal system to achieve long-term safety and independence for themselves and their children. For women living with violence, issues like protection orders, interactions with care and protection services and navigating financial and parenting issues with their former partner are not separate issues. The reality of navigating these legal issues is however much less integrated. It involves engaging with multiple jurisdictions across different physical court locations, who do not or cannot communicate and share information, and have different focuses and limitations.

The lack of legal integration can create risks for women and children's safety, and can increase the uncertainty for women already facing significant risk and instability. For this reason the Centre recommends on-going policy and law reform focus is needed to address the interaction between ACT laws (particularly in relation to family violence orders and care and protection) and the family law jurisdiction.

A good example of this is found in the interaction of the child protection services (CYPS) with the family law system and protection order system. Currently, CYPS may locate a so called "protective carer", and refer them to a family court to apply for a parenting order or the Magistrates Court for a family violence order, without any further support. Without guidance and support, the applicant parent may be unclear on why the child protection agency referred them to the court, at best. At worst, they would not be able, without support, to put the application to the court such that they obtain the orders that the agency deems are necessary to ensure the safety of the child/ren. Parents may fear that failing to take the steps they are directed to by CYPS may result in further CYPS involvement with their family, or at worst their children being removed. This provides, as stated in the 2010 Australian Law Reform Commission/NSW Law Reform Commission report – *Family Violence – A National Legal Response* (ALRC/NSWLR 2010 Report), a 'powerful case for child protection services having more involvement in family court proceedings where they investigate allegations of child abuse and refer carers to family courts for orders'<sup>15</sup>,

In both the family law and protection order jurisdictions, direction from CPS to make such an application alone is extremely unlikely to be sufficient to warrant making an application without

<sup>15</sup> ,Australian Law Reform Commission/NSW Law Reform Commission, *Family Violence – A National Legal Response*, 2010 , [19.135].



further information. This gap in the current system means children are placed at risk of being returned to a parent who a child protection agency has deemed to be a risk, or that family violence orders are not being made where significant risk has been identified. It may also support protective parents to take necessary steps to obtain protection for themselves and their children earlier where upfront support is provided by CYPS.

The Centre has been working to build its relationship with CYPS in the ACT to facilitate CYPS making referrals to our service to support women to obtain appropriate legal advice and assistance as soon as the need arises. We view this work as integral to achieving better integrated responses to women experiencing violence. We note this approach is consistent with recommendations made by the Glanfield Review.

Another example of inconsistencies is the interaction between family violence orders and family law parenting orders. This can raise a range of issues for victim/survivors including, but not limited to:

- Family law orders override family violence orders to the extent of inconsistency, and family violence orders are usually made subject to family law orders and parenting plans.
- ACT Courts making a family violence order have jurisdiction under the *Family Law Act 1975* (Cth) (FLA) to make revive, vary, discharge or suspend a family law parenting order in certain circumstances, but this power is rarely if ever utilised by the Court.<sup>16</sup>
- Personal protection injunctions can be made under the FLA, but are not enforceable by ACT Police. This would usually mean a victim/survivor would have to commence FVO proceedings in the Magistrates Court despite obtaining protection in the family law court. We note the Australian Government last year released exposure draft legislation to address this issue.

These issues highlight the inconsistency in law and practice which may require a protective parent to access multiple courts in order to obtain a complete response to a incidence of family violence where children are involved. These courts operate in different ways, and at difference speeds, and therefore victim/survivors may face gaps in protection, for example between when a family violence order is made, and when her application is heard by the family law courts. This can raise significant risks, and burdens, for women in keeping themselves and their children safe from violence.

We commend the ACT Government's commitment to continuing to implement the recommendations from the ALRC/NSW 2010 Report recommendations, which aim to improve national legal responses to family violence. We note the recent announcement of the Australian Law Reform Commission's review into the *Family Law Act 1975* (Cth), and that the outcome of this review may provide further direction for government on this issue.

## **Supporting Recommendations**

### **Glanfield Review Recommendation 1**

*The response to family violence should focus on maintaining the mother and child victims as a family unit and build trust with the woman, in particular women and children in the Aboriginal and Torres Strait Islander community.*

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<sup>16</sup> *Family Law Act 1975* (Cth), s68R.



### **Glanfield Review Recommendation 2**

*As a matter of course CYPs should refer matters involving family violence to appropriate service providers and when undertaking appraisals should collaborate with those providers to ensure support for the family as a whole.*

### **Glanfield Review Recommendation 7**

*The ACT should remain actively engaged in the Family Law Council Review to improve responses to families with complex needs within the family law system and consider as a priority any recommendations that seek to resolve current issues.*

### **WLC Recommendation 8**

Continue to **fund wrap around service** work, which benefits most vulnerable women in the community including Aboriginal and Torres Strait Islander women, and women with mental health issues.

The Centre currently runs a specialist Domestic Violence Program (DVP). The DVP funded as a pilot through the Australian Government's Women's Safety Package. The DVP is unique in the ACT in that it provides a holistic, wrap around response for women affected by family violence and navigating, or needing to navigate the legal system. The focus of this program is on family law, however we also provide advice and representation in family violence order matters, victims of crime compensation matters and to a more limited extent care and protection matters. Client's non-legal needs are met through support from our social worker who also works with the program.

The DVP is staffed by two full-time solicitors and a full-time social worker. The DVP commenced in providing services June 2016 and has been fully staffed and operational since January 2017. Between January 2017 and June 2017 we assisted 184 clients, provided representation in court or in an alternate dispute resolution conference in 63 matters and provide 45 non-legal support services through the DVP program. Women accessing the DVP are not eligible for Legal Aid, and cannot afford a private lawyer, and many would have gone without legal representation without the assistance of the DVP.

Targeted promotion of the DVP to particular community services, and continuing to strengthen our outreach partnerships, has resulted in more targeted referrals to the program, including for women who are more isolated and vulnerable, and. This year we have seen an increase of women from non-English speaking backgrounds and for Aboriginal and Torres Strait Islander women. Through collaboration with other program within the Centre, we have also been able to provide support to clients with complex matters in both employment, protection order and family law matters.

The program is designed to provide best-practice responses to women experiencing violence. As part of the Women's Safety Package the DVP will be evaluated along with other similar programs around the country.

Despite the significant offerings of this program, and its uniqueness, the DVP's funding comes to an end in June 2019. We recommend the ACT Government commit to ensuring the program can continue beyond its current funding cycle.



## **Supporting Recommendations**

### **Glanfield Review Recommendation 6**

*Sufficient funding should be made available to victims seeking domestic violence orders and families dealing with the child protection system to enable them to obtain legal representation.*