

**D O M E S T I C  
V I O L E N C E  
N S W**

# **SUBMISSION OF THE FEDERAL CIRCUIT AND FAMILY COURT OF AUSTRALIA BILL 2018**



**PREPARED BY DVNSW  
NOVEMBER 2018**

## About Domestic Violence NSW

Domestic Violence NSW Inc (DVNSW) is the peak body for specialist domestic and family violence services in NSW. DVNSW provides a representative and advocacy function for specialist services and the women, families and communities they support.

DVNSW's mission is to eliminate domestic and family violence through leadership in policy, advocacy, partnerships and the promotion of best practice. We work with our members, state and federal government and communities to create a safer NSW for all.

DVNSW member services represent the diversity of specialist services working in NSW to support women, families and communities impacted by domestic and family violence including:

- Crisis and refuge services
- Transitional accommodation and community housing providers
- Family support services
- Neighbourhood centres and drop in centres
- Specialist homelessness service providers
- Men's behaviour change programs and networks
- Community organisations working with high risk communities
- Specialist women's legal support services
- Women and children's support services
- Safe at Home programs

DVNSW members are all non-government organisations, some entirely government funded, others supported through philanthropic donations or partnerships with industry or the corporate sector. Many of our members have multiple government and non-government funding streams. DVNSW advocates for best practice, continuous system improvements and innovative policy responses to domestic and family violence including building workforce capacity and representation at all levels of government. We provide policy advice to multiple departments in the NSW Government on prevention and response. We work with communities and the media to increase awareness and represent the sector on a number of state and federal advisory bodies. We co-convene and provide a secretariat function for the NSW Women's Alliance with Rape and Domestic Violence Services Australia.

We acknowledge the work and practice wisdom of specialist women's services and domestic and family violence practitioners in the sector that underpin our policy development. DVNSW thanks the specialist services and practitioners who have developed best practice over decades of working with women and children and shared their expertise with us. We also pay tribute to those who have experienced domestic or family violence and to our advocates, colleagues and partners in government and non-government agencies.

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## **Endorsement of submissions**

DVNSW endorses the submission of **Women's Legal Services Australia (WLSA)**, and the submission of **No to Violence (NTV)**.

## **DVNSW Recommendations on the Federal Circuit and Family Court of Australia Bill 2018**

1. DVNSW recommends that the Bills not progress, or if not, then at least not progress until the outcome of the Australian Law Reform Commission (ALRC) Family Law Report is considered.
2. Ensure that the ALRC's terms of reference include alternative court restructure and extend the time for submissions to allow for meaningful consultation.

## **Key concerns of DVNSW**

### Lack of consultation

A significant number of matters in the Family Court include family violence. DVNSW is concerned that there has been a lack of consultation from family violence or sexual violence specialist services or victims-survivors. DVNSW recommends that the introduction of these bills be delayed until proper consultation with these stakeholders is conducted, as their expertise is necessary to ensure the reforms prioritise women and children's safety.

### Single Specialist Court

The Bill will create a single specialist court by merging the Family Court of Australia and the Federal Circuit Court of Australia into a new Federal Circuit and Family Court of Australia, with the primary goal of making the court system more efficient. DVNSW is concerned that this will result in the loss of the current expertise and specialist features in the current family law system. Specialist knowledge of family law and family violence is critical in ensuring the safety of women and children experiencing domestic violence.

### ALRC Family Law System Review

DVNSW is concerned that the timeline for this reform is too short and does not align with the ALRC's current review of the Family Law System which will provide invaluable insight and recommendations into how to improve the system effectively. We recommend waiting until the outcome of this inquiry due in March 2019 so its findings can be inform any reforms.

### Adequate funding

The family court system is under resourced and not meeting the needs of Australian families, especially vulnerable women and children. The proposed reforms are meant to address this by making the system more efficient and present a cost saving, however, they don't allow for further resources. DVNSW recommends that more funding is provided to the family law system, including specialist services that support families, and provide domestic violence support services.