

DOMESTIC VIOLENCE NSW

Mr Josh Burns MP
Chair
Parliamentary Joint Committee on Human Rights
PO Box 6100
Parliament House
Canberra ACT 2600

29 June 2023

Dear Mr Burns

Re: Letter of support – Inquiry into Australia's Human Rights Framework

Domestic Violence NSW endorses the submission of Women's Legal Service NSW to the Inquiry into Australia's Human Rights Framework.

Domestic Violence is the peak body for specialist domestic and family violence services in NSW, with over 130 member organisations across NSW. Domestic Violence NSW member services represent the diversity of specialist services working in NSW to support women, families and communities impacted by domestic and family violence. Our member organisations include crisis and refuge services, transitional accommodation and community housing providers, Aboriginal controlled organisations and specialist culturally and linguistically diverse organisations, men's behaviour change programs and networks, specialist women's legal support services, women and children's support services, women's health centres and Safe at Home programs.

Domestic Violence NSW is the Convenor and Chair of the NSW Women's Alliance¹, of which Women's Legal Service NSW is a member.

Every day, specialist domestic and family violence services provide client support to victim-survivors of gender-based violence, including women, children, First Nations victim-survivors, and women and children with disabilities experiencing violence. The client work of our member services often involves civil and family law matters. As a result, specialist domestic and family violence services and their clients depend on the recognition of the rights of victim-survivors.

In support of our clients, and the client work conducted by our member services, Domestic Violence NSW endorses the following recommendations outlined by Women's Legal Service NSW regarding Australia's Human Rights Framework:

- 1.1 Parliament enact a Federal Human Rights Act embodying the rights contained in treaties to which Australia is a signatory, including:
 - 1.1.1 The right to live free from gender-based violence;

¹ Established in 2012, the [NSW Women's Alliance](https://www.nswwomenalliance.org.au/) is a coalition of peak organisations and state-wide specialist service providers with expertise in preventing and responding to sexual, domestic and family violence.

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- 1.1.2 A duty on public authorities to comply with the human rights listed within the Act, and access to a corresponding remedy if they do not;
- 1.1.3 A duty on public authorities to equal access to justice in criminal law matters, **as well as** civil and family law matters which involve substantial human rights issues;
- 1.1.4 Better recognition of the rights of victim-survivors and that the rights of an accused and the rights of complainants are not mutually exclusive;
- 1.1.5 A duty on public authorities to ensure the participation of First Nations people, people with disabilities, children **and women** in policies and decisions that “directly or disproportionality” affect the rights of these groups.
- 1.2 Federal Parliament amends the federal anti-discrimination laws to include the status of being a victim-survivor of gender-based violence as a protected attribute.
- 1.3 While we will not detail this in these submissions, we also recommend, in line with the Australian Human Rights Commission’s recommendations, that Parliament develop a new, modern human rights framework through the,
 - 1.3.1 Continued modernisation of federal anti-discrimination laws;
 - 1.3.2 Strengthening of parliamentary scrutiny of human rights;
 - 1.3.3 Implementation of human rights education and indicators; and
- 1.4 Adequate and sustained resourcing of the AHRC and civil society, including Community Legal Centres, and other services who work with people most vulnerable to human rights breaches by the State and its agents.
- 1.5 We also recommend gender-responsive budget policy making, to ensure the consideration of women’s and girl’s human rights in legislation, policy and practice.

Sincerely

Delia Donovan
CEO, Domestic Violence NSW