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Justice system reform needed as part of national plan to prevent family, domestic and sexual violence

All comments to be attributed to Law Council of Australia President, Dr Jacoba Brasch QC

Lawyers working on all sides of family, criminal and other parts of the law in Australia have personally seen and been affected by the impact and aftermath of our national family, domestic and sexual violence crisis. The faces and stories of the women, men and children who have been subjected to violence will never leave us.

Last week, the Law Council of Australia was privileged to be part of the National Summit on Women's Safety and speak on behalf of those who often cannot speak for themselves.

Family, domestic and sexual violence is preventable. There is no excuse for it and it should never occur. It has to be tackled as the national epidemic it is.

A priority for the Law Council as the national representative of the legal profession, is to advocate for a justice system which provides protection to victims without fear or favour.

Unfortunately, our current system has serious flaws.

Every link in the justice system chain, from police, to lawyers, to judges, must be trained in recognising and responding to the signs of family violence. At the moment, around nine in 10 women who experience sexual assault never contact police. Our system deters access to justice rather than encouraging it.

Victims of family violence and sexual abuse must feel supported to report and safe to do so. This requires properly resourced frontline services. Separately, for First Nations people, ongoing cultural competence training is a must and has to be led by First Nations people and organisations.

Our legal system must promote and protect the rights of women and children of all backgrounds, particularly those who face greater risk of violence and abuse. Culturally competent, informed service provision that reflects and respects the diverse backgrounds of survivors is essential.

There must be acceptance though that a one-size approach does not fit all. During the Summit, we heard the repeated call from First Nations women that they want to be at the centre of what is planned, must have their own National Action Plan and that what might work in one place may not work in another.

Across Australia, our legal system must provide consistent responses to family, domestic and sexual violence and support victim focused outcomes. At the moment, not even something as basic as definitions, such as the definition of family violence, align.

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The Law Council believes expansion of effective models of interventions for perpetrators of FDSV is a priority. Perpetrator intervention programs work by recognising the importance of challenging and shifting abusive and violent behaviours and represent an opportunity for men who use violence to change. These programs aim to break down misogynistic views and a deeply held sense of entitlement which perpetrators use to justify their abuse. These interventions must be available across the country, including in rural and remote areas, and designed to achieve their aims without compromising the safety of women and children.

During the Summit, shortcomings of the current Family Law Act were raised. In particular, its presumption that it is in the best interests of the child for the child's parents to have equal shared parental responsibility. Experiences were shared of children being denied the therapeutic support they need because a perpetrator does not consent to this care being provided and how it can increase the possibility of a child having to live with and spend time with a perpetrator.

The Law Council of Australia looks forward to working with the Commonwealth to develop a national approach to justice for victims and survivors of family violence, sexual assault, harassment and coercive control and we welcome the opportunity to contribute further to the National Plan to Reduce Violence against Women and their Children.

These are commendable steps in the right direction, but it is time to start sprinting. Violence against and abuse of women and children in Australia is a national emergency which requires decisive and immediate action.

Read the Law Council of Australia's full submission 'Developing the next National Plan to Reduce Violence against Women and their Children' [here](#).

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