



## Office of the Attorney-General

MC17-009669

Mayor David O'Loughlin  
President  
Australian Local Government Association  
8 Geils Court  
DEAKIN ACT 2600

4 OCT 2017

Dear Mayor O'Loughlin

Thank you for your letter of 22 August 2017 to the Attorney-General, Senator the Hon George Brandis QC, seeking advice and comment on Resolution 37 of the 2017 National General Assembly of Local Government. The Attorney-General has asked me to respond on his behalf.

I understand the Australian Local Government Association supports Resolution 37, which proposes the creation of a federal tribunal to institute applications for protection orders which are recognised and enforceable across state borders. I am pleased to advise you that the Commonwealth, states and territories are implementing the National Domestic Violence Order Scheme, which will achieve this objective. The scheme will commence on 25 November 2017, and will enable domestic violence orders issued in one Australian jurisdiction to be automatically recognised and enforceable in all other jurisdictions. This will be accompanied by an information sharing system which will improve coordination and information sharing on domestic violence orders between courts and police across Australia.

I note that Resolution 37 recommends that specially trained magistrates hear domestic violence matters to minimise the effect of re-traumatising victims. The specialisation and training of magistrates is a matter for the states and territories. However, I can provide you with information about the extensive work being done to support families experiencing domestic violence at the Commonwealth level.

To ensure that people who have experienced family violence are supported by courts in the most effective and sensitive way, the Attorney-General's Department commissioned the development of a *National Domestic and Family Violence Bench Book*. The Bench Book is a national online resource for judicial officers, which promotes best practice and consistency in judicial decision-making in cases involving family violence. The Bench Book was launched in two stages on 18 August 2016 and 16 June 2017 and is available at [www.dfvbenchbook.aija.org.au](http://www.dfvbenchbook.aija.org.au).

To complement the Bench Book, the Australian Government has also funded a training package for judicial officers on the nature and dynamics of family violence, and the specific matters they should consider in dealing with these cases, such as protections for vulnerable witnesses. This training will be rolled out across Australia in 2017 and 2018.

On 25 November 2016, the family law courts announced the introduction of additional training for staff and the implementation of new screening processes to better identify issues of family violence in the early stages of a case. The family law courts also encourage people to contact the relevant court to discuss any concerns they have about safety while attending court and to allow appropriate arrangements to be put in place. The family courts can establish individually tailored safety plans to ensure the safety of parties and witnesses to family court proceedings.

The Commonwealth recognises the importance of protection orders in safeguarding victims of family violence. Accordingly, the Commonwealth has proposed amendments to the Family Law Act to increase consistency of orders across federal and state or territory jurisdictions, through the *Family Law Amendment (Family Violence and Other Measures) Bill 2017*. When making interim domestic violence orders, state and territory courts can revive, vary or suspend a range of existing family law orders (for example, parenting orders, recovery orders or injunctions). Currently, these interim orders automatically expire after 21 days. This can put vulnerable family members, including children, at renewed risk of further violence, if parties cannot get back into a family law court to obtain new orders. The proposed amendments would provide state and territory courts with greater flexibility, enabling them to specify a timeframe within which the interim orders will remain in place.

The Bill also includes proposed amendments to make it a criminal offence to breach a personal protection injunction issued under the Act. Currently, a family law court can issue injunctions for personal protection in specified circumstances. However, contravention of an injunction can only be enforced by a party taking civil action in a family court. Breaching a personal protection injunction will become a criminal matter for police and prosecuting agencies to bring before a criminal court. This will better protect victims of family violence and reinforce that family violence is not a private matter.


Other initiatives being progressed by this Government across the family law system include:

- \$30 million under the Third Action Plan of the *National Plan to Reduce Violence against Women and their Children 2010-2022* to establish integrated duty lawyer and family violence support services in family law courts, pilot models of legally-assisted family dispute resolution, and extend the operation of specialist domestic violence units
- \$10.7 million in the 2017-18 Budget to engage 17 additional family consultants, to assist the family law courts to obtain better information and resolve matters more quickly
- \$12.7 million in the 2017-18 Budget to establish Parenting Management Hearings, to relieve the burden on family law courts by diverting less complex matters into a non-adversarial, less formal forum
- the *Family Law Amendment (Family Violence and Cross-examination of Parties) Bill 2017*, which proposes legislative amendments to ensure victims of family violence are protected from being personally cross-examined by their alleged perpetrators
- \$15 million under the Women's Safety Package to support twelve specialist domestic violence units and five health justice partnerships, delivering wrap-around legal and social support services

- an additional \$3.4 million in the 2017-18 Budget to expand the specialist domestic violence units pilot program, and
- \$39 million over three years for community legal centres as part of the 2017-18 Budget, to be directed to front-line family law and family violence services. This additional funding will alleviate pressure across the legal assistance sector while directing Commonwealth funding to the highest priority issues.

Thank you for bringing the Australian Local Government Association's Resolution to the Attorney-General's attention. I hope this information is of assistance to you, the National General Assembly and the proposing Council.

Yours sincerely



**Liam Brennan**  
Acting Chief of Staff