



31 January 2020

The Hon Kevin Andrews MP
Chair, Joint Select Committee on Australia's Family Law System
PO Box 6100
CANBERRA ACT 2600

By email: familylaw.sen@aph.gov.au

Dear Chair,

Joint Select Committee on Australia's Family Law System

The Northern Territory Council of Social Service (NTCOSS) welcomes the opportunity to contribute to the Joint Select Committee on Australia's Family Law System.

NTCOSS is a peak body for the Social and Community Sector in the Northern Territory (NT) and an advocate for social justice on behalf of people and communities across the region who may be affected by poverty and disadvantage.

NTCOSS' vision is for a 'fair, inclusive and sustainable NT where all individuals and communities can participate in and benefit from all aspects of social, cultural and economic life'. NTCOSS' mission is to 'promote an awareness and understanding of social issues through the NT community and to strive towards the development of an equitable and just society'.

NTCOSS has a broad membership base, made up of non-government and community organisations, Aboriginal Community Controlled Organisations and community councils, as well as other organisations and individuals committed to social justice issues for people and communities who are socially and financially disadvantaged in the NT.

NTCOSS recognises the specific expertise of members that have a high level of contact with individuals and their families who have had direct experiences relating to the family law system. NTCOSS acknowledges that a number of such organisations with specific expertise in this area have provided submissions relating to the Terms of Reference and supports such submissions, in particular the Northern Territory Women's Legal Services (NTWLS) and Women's Legal Services Australia - endorsed through member organisation the Central Australian Women's Legal Service (CAWLS).

In this regard, this submission will not directly respond to the Terms of Reference, but broader concerns that NTCOSS has relating to the inquiry.

- 1. The Government should, as a matter of urgency, respond to the raft of recommendations made in the Australian Law Reform Commission's (ALRC) report on its inquiry into the family law system, released in 2019.¹**
- 2. The Parliamentary Committee should consider and refer to the previously made recommendations before making any further recommendations.**

It is of great concern that despite the ALRC Family Law System Review being released in April 2019, the Government is yet to formally respond to the recommendations, and has instead chosen to progress with another inquiry.

The Committee has been tasked just under 12 months to report on the current inquiry. This is on top of the 18 months it has previously taken for the ALRC to complete its comprehensive review. Australia's family law system has long been regarded as slow moving, expensive and due to such factors, placing undue pressure on those utilising it, and is in dire need of reform.

While NTCOSS recognises that the Committee's inquiry will provide an opportunity for those with lived experience to provide evidence, further delaying necessary reform to the family law system through the carrying out of another inquiry will have negative impacts on those (in particular children and victims of domestic and family violence) who are currently navigating it.

- 3. NTCOSS has issue concerning public comments made by a Committee Member regarding "false accusations of domestic violence".**

NTCOSS is particularly concerned regarding comments made by a parliamentarian who has been selected as Committee Members of this inquiry regarding allegations of domestic and family violence, of consequence, comments specifically suggesting that women are making "false accusations of domestic violence to stop men having access to children".²

Domestic and family violence is a gendered crime,³ with women and children disproportionately over represented as victims. Any inquiry that deals with victims of domestic and family and/or sexual violence must consider these experiences.

As reported by Our Watch, on average one woman a week is murdered by her current or former partner, and one in three Australian women have experience physical violence since the age of

¹ Australian Law Reform Commission, 'ALRC Family Law System Review – Final Report', April 2019, viewed January 2020, accessed at <<https://www.alrc.gov.au/news/family-law-inquiry-final-report-released/>>

² ABC News, 'Family law inquiry given green light by Senate as Rosie Batty questions Pauline Hanson's role,' viewed September 2019, accessed at < www.abc.net.au/news/2019-09-19/rosie-batty-family-law-inquiry-pauline-hanson-bias/11523914 >

³Australian Institute of Family Studies, 'Gender equality and violence against women', Australian Government, January 2020, accessed at <<https://aifs.gov.au/publications/gender-equality-and-violence-against-women/export>>

fifteen.⁴ The NT experiences the highest rates of domestic, family and sexual violence in Australia,⁵ with Aboriginal women being more likely to be victims of this gender based violence, accounting for 89% of all DFSV victims in the NT.⁶

Reciting rhetoric that implies that women are falsely accusing partners of domestic and family violence is damaging and wrong. The drivers of violence against women are entrenched across society,⁷ and are further epitomized by comments such as the above. Government Action Plans are currently in place to assist in addressing these drivers and moving towards a more equitable society. Disappointingly, appointing parliamentarians who support such rhetoric does not instil confidence in the Committee's ability to conduct this inquiry and hear from victims in an unbiased manner, and is a direct contrast to the Government's stated commitment to reduce such violence.

4. Parliamentarians participating in the inquiry should be required to undertake training relating to domestic and family violence awareness and trauma to ensure that they are well equipped to not only participate in the inquiry, but understand the context within which Family Court matters are determined.

Reports that more than half of all cases within the Federal Magistrates Court and the Family Court of Australia deal with allegations of domestic and family violence, with many allegations looking to be at the "severe" end of the spectrum, responding to such allegations has been described as 'core business' in family law disputes.⁸

Due to this, the need to understand the complexities and dynamics of domestic and family violence, including the long term effects of trauma, is crucial to assisting Members in carrying out their roles within this inquiry.

Further, training will not only assist Members in engaging with individuals appearing before the inquiry (with both professional and/or lived experience), but help in developing appropriate policy responses.

Regards,



Deborah Di Natale
CEO
NTCOSS

⁴Our Watch, 'Fact and figures', viewed January 2020, accessed at <https://www.ourwatch.org.au/Understanding-Violence/Facts-and-figures>

⁵ Territory Families, 'The Northern Territory Gender Equality Framework 2019-2024 - Consultation Document', 2019, Northern Territory Government

⁶ Australian Bureau of Statistics (ABS), 2017, 4510.0 Recorded Crime – Victim, 2014-2016

⁷ Australian Institute of Family Studies, 'Gender equality and violence against women'; Territory Families, 'The Northern Territory Gender Equality Framework 2019-2024 - Consultation Document', 2019, Northern Territory Government

⁸ Moloney et al, 'Allegation of Family Violence and Child Abuse in Family Law Children's Proceedings – A pre-reform exploratory study', Research Report no. 15, 2007, Australian Institute of Family Studies, accessed at <https://aifs.gov.au/sites/default/files/publication-documents/aifsreport15.pdf>