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Committee Secretary  
House of Representatives Standing Committee on Social Policy and Legal Affairs  
PO Box 6021  
Parliament House  
Canberra ACT 2600

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**Re: Inquiry into family violence orders**

The Australian Services Union (ASU) welcomes the opportunity to make a submission to the *Inquiry into family violence orders*.

The ASU is one of Australia's largest unions, representing approximately 135,000 members. ASU members work in a wide variety of industries and occupations in both the private, public and community sectors. Our members work with people who are living with family, domestic and sexual violence and the related protection of children and young people.

Improving access to family violence orders (FVOs) within the family law system is crucial for ensuring the safety and well-being of vulnerable women and children. Family violence orders serve as legal protections for victims, offering immediate and long-term safeguards against abuse.

Improving access will reduce the emotional and physical toll on victim-survivors and signifies a strong government commitment to addressing family violence. Family and domestic violence is a national crisis. 71% of victim survivors are women, and on average one woman a week is killed by a current or former partner.<sup>1</sup>

There has been a sharp rise in deaths in 2024 compared to previous years, on average two Australian women are being violently killed every nine days.<sup>2</sup> Government must not only ensure that family violence orders are readily available, but they are effectively enforced.

During family court proceedings, there is a significant risk of escalated aggression and violent behaviour by perpetrators. Government must recognise these proceedings can exacerbate tensions and pose heightened risks to victims and their children. The family law system must integrate comprehensive risk assessments and immediate protective measures throughout the process to mitigate these dangers.

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<sup>1</sup> Fair Work Commission, 5 April 2022, Information note - Initiatives to reduce family and domestic violence in Budget 2022–23

<sup>2</sup> Roberts, Georgia (24 April 2024) Eleven more women have died violently in 2024 compared to the same time last year <https://www.abc.net.au/news/2024-04-24/eleven-more-women-have-died-violently-compared-to-last-year/103759450>

## ASU NSW & ACT Services Branch survey

In April 2024 our NSW & ACT (Services) Branch surveyed members working in the family and domestic violence (FDV) sector. These frontline FDV members outlined what is not working in the sector with funding inadequacies highlighted as a prominent issue, affecting all levels of service provision from crisis intervention to critical legal support.

Our members told us the lack of sufficient financial resources has led to a shortfall of staff, refuges and housing options, leaving victims with limited places to turn to when they decide to leave an abusive relationship.

Law enforcement and judicial responses were flagged as further exacerbating the problem. Our members reported Apprehended Violence Orders (AVOs) are frequently breached without serious consequences for offenders, diminishing their effectiveness as a deterrent. Police attitudes and responses often fail to provide the necessary support to victims, and sometimes even misidentify victims as perpetrators, particularly among First Nations women.

“AVO's do not work. They are no deterrent for offenders and there is no serious consequence whenever they are breached. Police response and attitudes need to improve.”

***DV worker, who has worked more than 10 years in the sector***

“AVOs don't work, especially in rural areas where there are no 24 hour fully manned police stations.”

***DV worker, who has worked more than 10 years in the sector***

Our members suggested specialised training for police officers, including training that emphasizes the importance of taking breaches of AVOs seriously. Members also suggested an overhaul of the judicial system with magistrates and judges to receive specialist DV training and that offenders who repeatedly breach AVOs should face harsher penalties, including mandatory ankle monitors.

“Change laws so that ankle monitors are mandatory for AVOs. Mandate a nationwide AVO offender register.”

***DV worker, who has worked more than 10 years in the sector***

“Offenders and repeat offenders, and those who continually breach AVO's are not being held in custody. Bail conditions are not adequate without some way to monitor them. Often the bail is not enough to stop reoffending. Often the details for the offender or their representative are not correct. There needs to be some way these details can be checked.....We have more support services but the judicial system relating to DV including in the District court is letting women down.”

***DV worker, who has worked more than 20 years in the sector***

“The AVO system is a joke, magistrates not following police recommendations and releasing violent DV perpetrators knowing the STATISTIC that the victim and children WILL be at risk even more so once the woman makes a stand to leave and report.”

***DV worker, who has worked for 8 years in the sector***

Some members suggested there should be specialised domestic violence judicial staff, that are trained in the nuances and complexities of family and domestic violence. Members felt such specialised staff are essential to handling AVOs appropriately, ensuring that victim-survivors receive the protection and justice they deserve.

“The judicial system need to be accountable...We need specialist trained judicial staff and specific DFV & S/A court sittings and only those specialist trained staff in attendance. If out of hours - all offenders of serious DFV & sexual assault need be in custody until the next specialist sitting. Also all those that breach their AVO's need to be placed in custody and remain there until the next specialist court sitting. A habitual offender is not likely to abide by any AVO and/or bail conditions but become more clever in the ways to offend and often take longer to get caught, while intimidating the victim into extreme paralysing fear.”

***DV worker, who has worked more than 20 years in the sector***

### Government must adequately fund vital legal and domestic violence support services

Adequate Commonwealth government funding is needed for vital legal support services that support women in applying for family violence orders. The Independent Review of the National Legal Assistance Partnership Final Report observed that for most Australians who go to court, there is often more than one area of law involved in their matter. For example, more than 80% of family law matters include allegations of family violence, and often breaches of state or territory family violence orders.<sup>3</sup>

The Final Report found current funding levels are insufficient to meet the legal need or service expectations governments and communities have of legal assistance providers. It also found thousands of women who are experiencing family and domestic violence each year are being turned away by service providers due to capacity constraints.<sup>4</sup> A lack of access to timely legal information and advice prevent women from accessing and making FVO applications.

“Community legal centres and dv services are working the best they can with the limited funding to help women experiencing violence to escape their abusive partners/ex-partners/family.”

***DV worker, who has worked 9 years in the sector***

Furthermore, Legal Aid NSW highlighted challenges with the current funding model for specialist domestic violence services, including Family Advocacy and Support Service (FASS) and Domestic Violence Unit (DVU). It found the short-term funding model and release of funding in tranches compromises effective service delivery and contributes to associated funding cliffs.<sup>5</sup>

The Commonwealth government must act on the recommendations contained in The Independent Review of the National Legal Assistance Partnership Final Report to ensure legal services are adequately funded so women can apply for and access timely FVOs.

Furthermore, government must adequately fund specialist and generalist domestic violence support services (including wraparound services). These organisations refer women to legal services by connecting them with legal aid, community legal centres, and family violence prevention legal services.

<sup>3</sup> The Independent Review of the National Legal Assistance Partnership Final Report [Online] Accessed at: <https://www.ag.gov.au/sites/default/files/2024-06/NLAP-review-report.PDF>

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

Adequate funding ensures accessibility to these services, including those in rural and remote areas, and supports culturally appropriate services for women from diverse backgrounds. Adequate funding maintains a well-trained and adequately staffed workforce capable of providing comprehensive services.

Insufficient funding has led to increased workloads for service providers, which can have a devastating impact on victim-survivors with many family and domestic violence services forced to turn women away<sup>6</sup>. Overburdened staff struggle to provide timely and thorough support, resulting in delays in accessing critical services like family violence orders.

“There is not enough funding, not enough staff to work with the increased service requirements, not enough refuges, medium term or long term housing options for when people leave.”

***DV worker, who has worked more than 10 years in the sector***

Many domestic and family violence organisations claim they will need to start winding back services as the latest 2024-25 budget hasn't invested enough in the sector.<sup>7</sup> Only sustained and increased Commonwealth funding will ensure the family and domestic violence sector can adequately meet the needs of victims and provide them with the comprehensive care they require.

“All of the services, programs and caseworkers struggling to provide protection against a backdrop of exhaustion from advocating for sufficient funding, stronger legislation, more efficient policing.”

***DV worker, who has worked more than 30 years in the sector***

## Improving access to family violence orders

### ***Obtaining family violence orders***

Victim-survivors face numerous barriers in obtaining and enforcing family violence orders within the family law system. Victims often need to navigate multiple courts for family law orders as well as family violence orders which can be overwhelming and exhausting. An ANROWS report found that family and domestic violence “can fall between the cracks of family law, and protection order law and the legal framework are characterised by operational silos, which means that victims of family violence have to engage with several different elements of the legal system”.<sup>8</sup> Women faced with referrals to multiple courts puts them at risk of being unable to access vital protection. Establishing arrangements where applications for FVOs and family law matters can be addressed in the same physical location will reduce the burden on victim-survivors.

“Police responses are inconsistent leaving some women and their children without any type of protection such as an appropriate ADVO. The justice system causing additional trauma to victims as they are required to retell their story over and over and having to navigate a system that is long, complicated and can be expensive for someone already financially challenged. Particularly in family law.”

***Women's health centre worker, who has worked 6 years in the sector***

<sup>6</sup> ABC News, WA community legal services forced to turn away women experiencing domestic violence [Online] Accessed at: <https://www.abc.net.au/news/2024-05-16/wa-community-legal-services-forced-to-turn-away-dv-victims/103847122>

<sup>7</sup> ABC News, Domestic, sexual and family violence services may need to scale back after 'let-down' budget [Online] Accessed at: <https://www.abc.net.au/news/2024-05-17/domestic-family-sexual-violence-federal-budget-labor-government/103858740>

<sup>8</sup> ANROWS, Domestic and family violence protection orders in Australia [Online] Accessed at: <https://www.anrows.org.au/publication/domestic-and-family-violence-protection-orders-in-australia/>

In addition, family court parenting orders can sometimes override an FVO<sup>9</sup>, creating conflicting legal directives that jeopardise the safety of victims. There needs to be a clear legal framework that ensures FVOs take precedence and are not overridden by family court parenting orders.

### ***Cross-border family violence orders***

The ANROWS report found implementation and enforcement issues operate in situations where victims may flee to another state. Police can have difficulty in implementing and enforcing cross-border family violence orders due to differing legislation, policies, authorities and protocols in each jurisdiction.<sup>10</sup> Government should consider portability of protection orders in Australia so that orders from one jurisdiction are recognised upon crossing borders. The ANROWS report found victims viewed portability as important in not only knowing they have uniform protection but so they do not have to register or reapply for a protection order when they cross borders.<sup>11</sup>

In addition, portability of protection orders would mitigate the current situation where victims frequently do not understand they have to register a protection order when they cross borders.<sup>12</sup>

### ***Technological breaches***

Women may struggle to obtain a FVO when subjected to technological abuse rather than physical abuse due to the often intangible and covert nature of digital harassment. Technological abuse includes behaviours such as cyberstalking, monitoring messages, installing spyware, or using GPS tracking.

The lack of visible physical injury often leads law enforcement or judicial systems to underestimate the severity of such breaches. This can result in leaving victims vulnerable to ongoing abuse and result in inadequate protection through an FVO.

“They [Police] only look for bruises and broken bones.”

### ***DV worker, who has worked 8 years in the sector***

To improve the effectiveness of FVOs against technological breaches, government should provide clear guidelines and resources (including training) on technological abuse for law enforcement, including police and judicial officers. Enhanced legislation that explicitly includes technological abuse would also help address these gaps and improve safety for victim-survivors.

### ***Improving access to interpreters***

Access to interpreters is a critical aspect to improve access to FVOs. The lack of available interpreters is a significant barrier for some of the most marginalised and vulnerable women experiencing family violence. The ANROWS report highlighted access to interpreters as an issue in facilitating FVOs in culturally and linguistically diverse communities.<sup>13</sup>

Government must ensure everyone experiencing family and domestic violence has equal access to protection, regardless of language barriers. Government must adequately fund access to interpreters

<sup>9</sup> Australian Government, Family Relationships Online [Online] Accessed at: <https://www.familyrelationships.gov.au/dealing-violence/family-violence-orders#:~:text=The%20court%20must%20make%20sure,that%20override%20family%20violence%20orders.>

<sup>10</sup> Ibid

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> ANROWS, Domestic and family violence protection orders in Australia [Online] Accessed at: <https://www.anrows.org.au/publication/domestic-and-family-violence-protection-orders-in-australia/>

to empower victim-survivors to understand their rights, navigate the legal system and obtain essential FVOs to safeguard themselves and their children. Without access to interpreters, victim survivors may be left confused, isolated and unable to secure the legal protection they deserve.

In conclusion, improving access to and enforcement of family violence orders within the family law system is essential for protecting victim-survivors and promoting justice. However, to address and prevent family and domestic violence in Australia a multi-faceted approach is required. Key areas that need urgent improvement including funding, housing, education and training, as well as investing in well-paid, secure and permanent jobs for FDV frontline workers.

We thank the Government for launching this important Inquiry to create a safer and more supportive legal framework for those affected by family and domestic violence.

Yours faithfully



Emeline Gaske  
**ASSISTANT NATIONAL SECRETARY**