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Law Council calls for more clarity about proposed family violence regimes

While the Law Council of Australia strongly supports the intent of the *Family Law Amendment (Federal Family Violence Orders) Bill 2021*, there are several issues within the legislation that need clarification.

Speaking after the public hearing before the Legal and Constitutional Affairs Legislation Committee, President of the Law Council Dr Jacoba Brasch QC said, “while the Bill is designed to make things easier for vulnerable people, we are looking for some clarity on how the proposed scheme will actually work and how it would interact with existing state and territory Family Violence Order regimes.

“The Law Council is also concerned about the potential impact of this scheme on the workload of federal family law courts.

“It appears that the proposed Bill only allows for a person experiencing family violence, who has proceedings before the family law courts, to seek a final Federal Family Violence Order (FFVO) and not an interim order.

“This means that a person experiencing family violence and who needs urgent or immediate protection, will still seek remedies from the state and territory courts.

“It is also not clear how a person would apply for and obtain a FFVO, and when that might happen.

“It is critical that the government engage closely with the courts and legal assistance bodies to ensure that any measures proposed are accompanied by adequate resourcing for the courts, their support services, and the legal assistance sector, to cope with the additional workload we envisage will arise should the FFVO regime come into effect.

The Law Council is also concerned that the Bill may inadvertently create opportunities for perpetrators of family violence to delay determination of family violence and family law issues, by increasing the number, length and cost of family law and family violence proceedings through an additional FFVO pathway.

Given the serious nature of the Law Council’s concerns, more information about how the scheme will operate and how quickly a final FFVO can be granted is needed.”

ENDS

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