

2021

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

STATEMENT

**GOVERNMENT RESPONSE TO ASSEMBLY RESOLUTION DATED 30 MARCH
2021 - FAMILY AND DOMESTIC VIOLENCE - LEGISLATIVE REFORMS**

**Presented by
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Madam Speaker,

I am pleased to table the Government Response to the Review of the Family Violence Act 2016.

The Review was one that the Government initiated to understand how effectively our services and laws were operating to to prevent family violence, to protect and support victims of family violence, and to hold perpetrators to account.

There is no place for domestic and family violence in our community, and it is the responsibility of all Canberrans to do what we can to prevent and address these abhorrent acts. It is up to Government to make sure our laws and systems evolve as our understanding of domestic and family violence develops.

Domestic and family violence is a serious issue that has been gaining more attention in recent years, and rightly so. Domestic and Family Violence claims the lives of more than 100 people in Australia every year and causes ongoing damage to individuals, and society at large. A 2009 study showed that violence against women costs Australia \$13.6 billion each year, spread out across our society and economy, and includes health costs, pain and suffering, loss of productivity due to increased absences from work, and law enforcement and court system costs.

It is an issue that overwhelmingly affects women, especially those from more vulnerable groups, like women with a disability, Aboriginal and Torres Strait Islander women, or women from multicultural backgrounds.

The 2009 ACT report 'We Don't Shoot Our Wounded' found that Aboriginal and Torres Strait Islander women and girls are significantly more likely to experience violence, and less likely to report violence or seek assistance through the justice system or family violence services.

Because of this, the ACT Government will be guided by the Domestic Family Violence Prevention Council Aboriginal and Torres Strait Islander Reference Group and the outcomes of their community consultation to prioritise responses to the 'We Don't Shoot Our Wounded' report. This will ensure implementation efforts reflect community-led and identified priorities and will provide us with the opportunity to undertake further consultation around definitions of cultural abuse in a domestic and family violence context, something recommended by the Family Violence Act Review.

It is important that our laws and services can effectively address domestic and family violence, and as part of this commitment, we agree, or agree-in-principle to 17 of the 18 recommendations arising from the Family Violence Act Review, and note one other recommendation.

I would like to thank and acknowledge the work of Professor Lorana Bartels and Emeritus Professor Patricia Eastal for conducting the review, as well as the professional stakeholders and people with lived experience who participated in the Review.

The Review was initiated by Government to help identify better ways to respond to domestic and family violence.

We are continually working to better understand how domestic and family violence is occurring in the community, to identify the best ways to improve legislation and services, and to ensure these vital services are accessible to everyone who needs them.

As well as working with the Domestic Family Violence Prevention Council Aboriginal and Torres Strait Islander Reference Group, the Government is participating at a national level to develop a consistent interjurisdictional definition of domestic and family violence as part of the next National Women's Safety Plan.

A whole-of-government response and widespread community engagement is necessary to effectively respond to this type of violence. Legislation and legislative reform, while important, is only one part of responding to domestic and family violence in the ACT.

I am proud to be focusing in my portfolio on making sure that our legislation is effective and supportive. Minister Berry is leading much of the vital non-legislative work, such as responding to the 'We Don't Shoot Our Wounded' report, and the information sharing and Safety Action Pilot work I will come to soon.

There is much that the ACT Government is doing, and has been working on for some time to address domestic and family violence.

We always have more to learn and do. However, the Review provides an opportunity to highlight the important initiatives progressing work in this space as many of the Review's recommendations mirror and complement ongoing work by the Government in our response to domestic and family violence.

For example:

- the Office of the Coordinator-General for Family Safety is currently leading a project to design an integrated approach to domestic and family violence in the ACT, which includes a review of legislation and processes that can impact information sharing in domestic and family violence situations;
- a recent review by the ACT Magistrate's Court regarding the manner in which special interim family violence orders are managed and interact with criminal matters, including discussions with the ACT Courts and Tribunal and Victims of Crime Commissioner about the need for victims to be notified when an order of this type, has been finalised;
- the work between Legal Aid's family violence unit at the ACT Magistrate's Court to provide access to legal assistance to address factors impacting the safety of children where the Magistrate's Court is unlikely to, or has declined to include children on a family violence order or to extend protections to children; and

- collaboration between the Office of the Coordinator-General of Family Safety and the Victims of Crime Commissioner to run a 'Safety Action Pilot' to trial better integrated responses, risk assessment and risk management. The pilot allows for short- to medium-term wraparound case management for high-risk victims and offenders, and aims to capture those who may not necessarily be involved in the judicial system.

We will also be developing a Family Violence Legislation Amendment Bill to implement some of the legislative recommendations from the Review. In doing so, we will be consulting closely with the domestic and family violence sector and the legal profession to ensure we have reforms that achieve the policy outcomes.

Domestic and family violence is a nuanced, complex area of law, policy and service delivery, and we are committed to continuing our close work with those working in domestic and family violence and justice sectors, and individuals who have lived experience of violence.

As I have mentioned, much of our work is ongoing and it's important to remember that meaningful progress will take time, dedication and sustained efforts across the ACT Government and community. I truly believe that our Government and community members have the strength, will and determination to ensure the way we address and respond to domestic and family violence is the best it can possibly be.

The Government's response to the Family Violence Act Review demonstrates our commitment to finding effective solutions to review, improve and address domestic and family violence. By continuing our whole-of-government work with the community and stakeholders, we aim to achieve the best possible responses and outcomes for victim survivors, and the wider population of the ACT.

I commend the Government response to the Family Violence Act Review to the Assembly.

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