

WOMEN'S
LEGAL
SERVICE
VICTORIA
POLICY
PLATFORM



INTRODUCTION

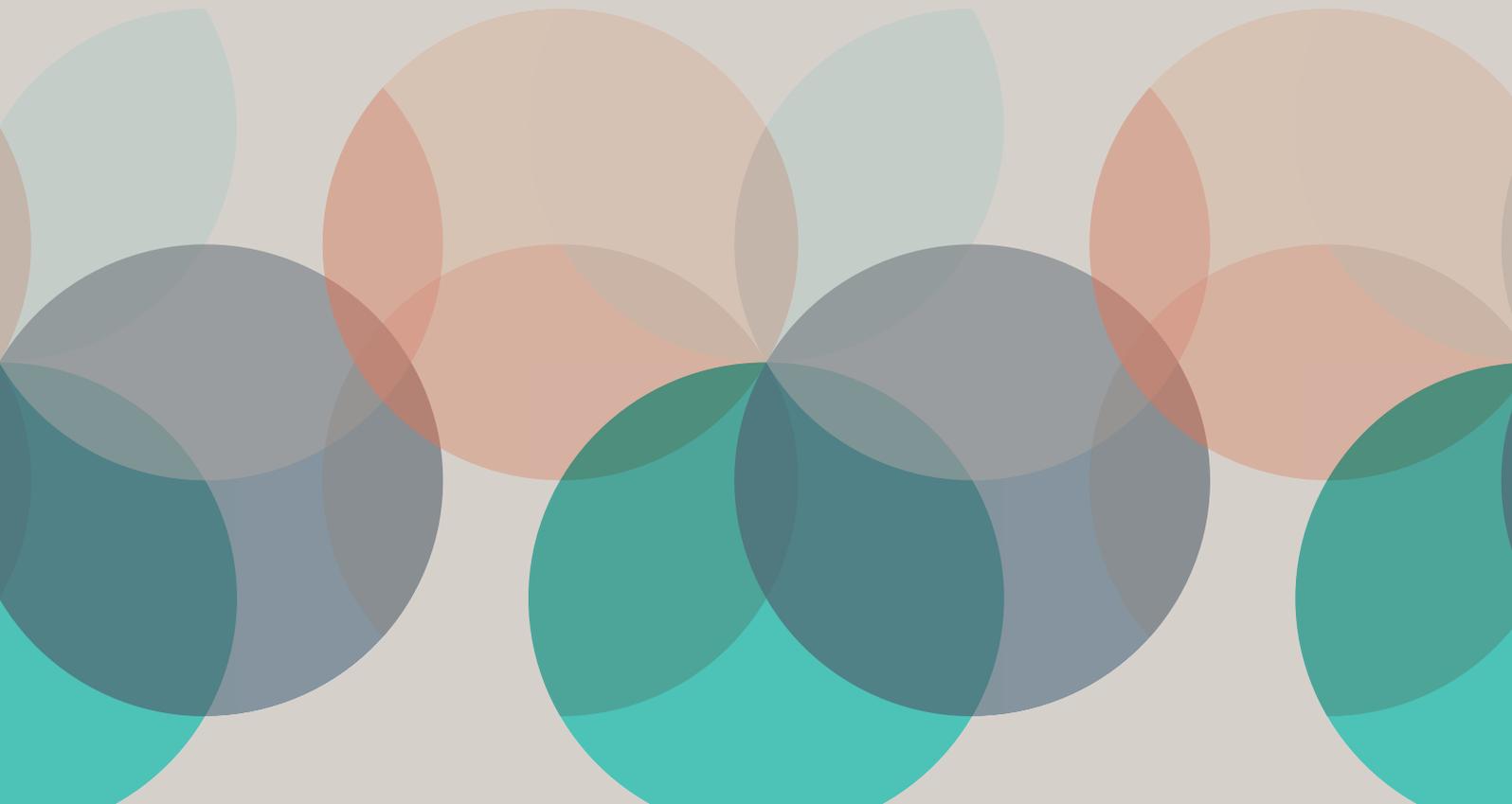
Women's Legal Service Victoria's policy platform is our organisation's position statement on addressing the legal, policy and practice issues that impact on our clients, namely women experiencing family violence and relationship breakdown.

It provides practical recommendations for real and meaningful change to the family violence and family law systems.

The document is informed by our experience delivering services at the "coal-face" as well as the lived experiences of our clients.

Our policy platform aligns with our organisation's vision of achieving justice, safety and empowerment for women and their children.

It is a living document and will evolve with our organisational priorities.



POLICY OVERVIEW

We advocate for:
A family violence system
that is well resourced,
responsive and integrated

We advocate for:
A family law system that
protects children from harm
by effectively recognising
and responding to family
violence

PLATFORM 1 ELIMINATING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN

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We advocate for:
A framework of laws and
policies that protect and
promote the rights of women
experiencing violence

We advocate for:
A family law framework
that promotes equitable
outcomes

PLATFORM 2 PROMOTING WOMEN'S HEALTH, HOUSING AND ECONOMIC SECURITY AFTER VIOLENCE AND RELATIONSHIP BREAKDOWN

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We advocate for:
Broader recognition of
and response to economic
abuse and its long term
consequences

We advocate for:
Greater awareness by decision
makers at all levels of the
gendered impact of laws
and policies

We advocate for:
Greater gender equity in
legal aid funding allocation,
practice and policy

PLATFORM 3 IMPROVING PATHWAYS TO ACCESSING JUSTICE

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We advocate for:
A family law and family
violence system that provides
equal access to justice
regardless of a woman's
culture, language, religion,
disability, age or locality

We advocate for:
A greater understanding
of the structural inequalities
in the legal system that are
barriers to accessing justice
for women

PLATFORM 1

ELIMINATING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN

POLICY STATEMENT

WLSV recognises that violence against women by men is endemic in Australia. Women from all social, cultural, religious, racial and economic backgrounds experience family violence. However women may be at higher risk of family violence and face greater barriers when accessing support services and the justice system due to age, disability, their racial or cultural backgrounds or geographic location.

WLSV recognises that a whole of system response is required to ensure that women and their children who have experienced family violence are safe, healthy, financially secure and have access to appropriate, long term housing.

The continued development of an integrated, holistic response to family violence to address and meet the varying challenges that face women and their children experiencing family violence is essential.

WLSV recognises that the justice system plays an important role in preventing family violence and intervening early to address violence once it has occurred.

We advocate for:
A family violence system
that is well resourced,
responsive and integrated

We believe the following measures will
contribute to a well-resourced, responsive
and integrated family violence system:

1. Consistent on-the ground responses by Victoria Police to ensure that all reports of family violence and breaches of family violence intervention orders are fully investigated and acted on in accordance with its Code of Practice for the Investigation of Family Violence.
2. Regular review and updating of Victoria Police's Code of Practice to ensure that it reflects best practice in responding to family violence.
3. Development and implementation of standards and practices that improve Victoria Police's interaction with women experiencing specific disadvantage, such as women from culturally and linguistically diverse backgrounds, Aboriginal and Torres Strait Islander communities and women with disabilities. This includes:
 - Competency based training to improve understanding of the specific challenges for women experiencing disadvantage.
 - Specialist police liaison officers, disability advocates and interpreters available at police stations to attend incidences.
4. Greater focus within Victoria Police on improving responses in regional, rural and remote communities where family violence has occurred.
5. The creation of specialist family violence support units attached to all metropolitan and regional courts in Victoria that includes culturally specific and koori support workers, disability advocates and applicant and respondent support workers.
6. A risk assessment and risk management framework and strategies implemented across in the Magistrates' court to improve the safety of victims when attending court.
7. Collaborative competency based training of court staff, judicial officers, lawyers and family violence workers to promote expertise and greater collaboration in the family violence intervention order jurisdiction.
8. Identifying and removing discriminatory practices, policies and procedures within the family violence justice system that create barriers for those experiencing specific disadvantage. This could be achieved, for example, by undertaking a comprehensive diversity audit and developing a diversity framework.

9. Investment in specialist support workers and the use of specialist agencies to provide a tailored response to women experiencing specific disadvantage. This includes specialist agencies such as the Aboriginal Family Violence Prevention Legal Service and InTouch Multicultural Centre Against Family Violence.
10. Strengthening the evidence base on interventions that are effective in addressing and reducing family violence offending, for example interventions in the corrections system or case-management of community based recidivist offenders.
11. Implementation of effective, evidence based interventions to improve perpetrator accountability across all aspects of the justice system, for example by improving access to Men's Behaviour Change programs and the Court's Integrated Services Program (CISP) in the intervention order system.
12. A committed unit as part of the Victorian Coroner's Court, specifically funded to undertake a systemic review of family violence deaths.

We advocate for:

A family law system that protects children from harm by effectively recognising and responding to family violence

We believe the following measures will contribute to a family law system that effectively protects children from harm:

1. Competency based training and improved professional development standards for judicial officers, family report writers, independent children's lawyers and advisors to improve understanding of the nature and dynamics of family violence.
2. The introduction of a comprehensive risk assessment and risk management framework that informs decision-making and expert evidence in family law proceedings.
3. An accreditation program for family report writers that includes, as a core competency, family violence.
4. Implementation of the recommendations of the 2013 AIFS Report on Independent Children's Lawyers.
5. Legislative amendments to the Family Law Act that protect "vulnerable witnesses" from direct cross-examination by a perpetrator of family violence.
6. Implementation of the recommendations from the Australian Law Reform Commissions Report: Family Violence: Improving Legal Frameworks April 2010.
7. Simplification of Part VII of the Family Law Act to ensure that the safety and best interests of children are prioritised in the resolution of parenting disputes.

We advocate for:
A framework of laws and policies that protect and promote the rights of women experiencing violence

1. The Commonwealth, State and Territory Governments to fully implement the National Plan to Reduce Violence Against Women and their Children.
2. An integrated Victorian governance structure that draws from relevant government departments and Ministerial portfolios including justice, health, housing, child protection, corrections and multicultural affairs.
3. An in-depth, cross-sectoral Victorian strategy to continue to develop and implement an integrated family violence strategy.
4. A commitment by government to ensure that the development of laws and policies are informed by the experience of victims of family violence and are drafted in a manner that addresses potential unintended and adverse consequences.

PLATFORM 2 PROMOTING WOMEN'S HEALTH, HOUSING AND ECONOMIC SECURITY AFTER VIOLENCE AND RELATIONSHIP BREAKDOWN

POLICY STATEMENT

WLSV acknowledges that economic abuse can have a serious impact on a woman's ability to leave a violent relationship or gain financial security after ending a violent relationship. Even in the absence of violence, after divorce many women experience financial hardship and take substantially longer than men to regain economic stability in their lives.

The justice system plays an important role in enabling women to secure good financial outcomes, particularly in family law and victims of crime compensation.

The detrimental financial impact of relationship breakdown on women can often result in women being unable to meet the costs of home ownership or the private rental market.

WLSV recognizes that effective legal responses can play an important role in addressing housing security for women and their children.

We advocate for:
A family law framework that
promotes equitable outcomes
for women and their children

1. Strengthening the framework of alternative dispute resolution in family law, in particular, to address power imbalances between men and women and to promote fair and equitable economic outcomes.
2. Training of family dispute resolution practitioners, legal practitioners and the judiciary on the financial impacts of separation on women and their children and the economic disparities that occur once a relationship has broken down.
3. Expanded legal assistance schemes to assist women in mediation and court proceedings for property disputes.
4. Simplified court processes and procedures for property claims such as superannuation, debt assignment and division of property.
5. The creation of a “small claims” tribunal to determine small family law property disputes to ensure that women with small property pools are able to access equitable outcomes.
6. An increased understanding, through ongoing and intensive professional development training, by practitioners and the judiciary of the benefits of spousal maintenance in protecting women and their children from economic disadvantage.

We advocate for:
broader recognition of and
response to the economic
impacts of family violence
and relationship breakdown

1. Greater recognition by Victoria Police of economic abuse, reflected in family violence intervention order applications.
2. Training for judicial officers, court staff and lawyers on the nature and impact of economic abuse in the family violence and family law jurisdictions.
3. Reform of the infringements system to recognise the impact of family violence at both an administrative and judicial level.
4. Creation of multi-disciplinary services and greater collaboration between the legal, financial counselling and family violence sectors.
5. Improving the reach and accessibility of financial counsellors to marginalised women, particularly those in regional Victoria, Aboriginal and Torres Strait Islander women, women from culturally and linguistically diverse backgrounds and women with disabilities.
6. Improved practice and procedure in the victims of crime compensation (VOCAT) jurisdiction to improve access to justice for family violence victims.
7. Training for VOCAT Magistrates and court staff on family violence and sexual assault.
8. An increase in the availability and level of compensation awarded to victims of crime in Victoria.

We advocate for:

A strengthened framework of laws and policies that protect and promote the health, housing and economic security of women and children who have experienced family violence and relationship breakdown

1. A government service delivery framework that is informed by an understanding of family violence and which prioritises the safety of victims and their children.
2. Development of law and social policy that is evidence based and considers the impact on women and children experiencing family violence and relationship breakdown.
3. Promoting cross-sectoral collaboration to ensure the family violence sector is able to contribute to the development of areas of law and policy that impact on women and children experiencing family violence such as housing and child protection.

PLATFORM 3

ACCESS TO JUSTICE FOR ALL WOMEN

POLICY STATEMENT

WLSV recognizes access to justice as a key component in ensuring that women achieve fair and equitable outcomes in the legal system that promotes their human rights. Access to justice is multi-dimensional and is not limited to access to lawyers but includes structural inequalities within the justice system that act as barriers to securing good outcomes.

Women who experience specific disadvantage, for example, because they are of a culturally and linguistically diverse and Aboriginal and Torres Strait Islander background or because of their age, disability or locality, face additional barriers in accessing justice.

Promoting access to justice requires tailored responses that identify the needs of the women involved and address the issues that they face. This is of particular importance for women who face specific disadvantage.

WLSV acknowledges that greater collaboration between sectors is required in order to integrate responses and ensure that women are able to access justice at different stages of experiencing relationship breakdown and family violence.

We advocate for:
Greater gender equity in
legal aid funding allocation,
policy and practice

1. A significant increase in funding by both Commonwealth and State Government to meet the demand for free legal assistance in the areas of family law and family violence law across Australia.
2. A legal assistance sector that is funded by both Commonwealth and State Governments to effectively meet the demand in areas of law that disproportionately impact on women, such as family violence law, victim's of crime compensation, family law and child protection.
3. Legal aid commissions addressing and removing disincentives for private practitioners to undertake legal aid cases in family law proceedings.
4. Greater investment by both Commonwealth and State Governments in community legal centres to increase the capacity of CLCs to meet increasing demand for legal advice and assistance throughout Victoria, particularly with respect to family law and family violence duty lawyer services.

We advocate for:

A family law and family violence system that provides equal access to justice regardless of a woman's culture, language, religion, disability, age or locality

1. A family law and family violence system that operate with practices, policies and procedures that are inclusive and respond to the diverse needs of all individuals in contact with the system.
2. Identifying and removing discriminatory practices, policies and procedures within the justice system that create barriers to accessing justice for those experiencing specific disadvantage, for example, by undertaking a comprehensive diversity audit.
3. Investment in specialist support workers and the use of specialist agencies that work with women experiencing disadvantage to facilitate greater access to justice.
4. Training to increase awareness and understanding by police, prosecutors, court staff and the judiciary of the barriers faced by women experiencing disadvantage and how unconscious bias may inform their decision-making.
5. The development and implementation of best practice guidelines by Victoria Police and the Office of Public Prosecutions in supporting disadvantaged women who are victims of family violence and sexual assault.
6. Greater investment in courts to promote access to all individuals in the court system, for example by increasing the number of language and Auslan interpreters, engaging court disability advocates and improving safety at regional courts.

We advocate for:

A greater understanding of the structural inequalities in the legal system that are barriers to accessing justice for women

1. A strengthened evidence base of the barriers for women in accessing justice in the legal system.
2. A strengthened evidence base capturing the experience of women who are unable to access legal representation in family law and family violence law.
3. A commitment from Governments and courts to develop strategies to address structural inequalities that creates barriers in the justice system.