Public Health Association of Australia
submission on a better family law system
to support and protect those affected by
family violence

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Introduction

The Public Health Association of Australia (PHAA) is recognised as the principal non-government organisation for public health in Australia working to promote the health and well-being of all Australians. It is the pre-eminent voice for the public’s health in Australia. The PHAA works to ensure that the public’s health is improved through sustained and determined efforts of the Board, the National Office, the State and Territory Branches, the Special Interest Groups and members.

The efforts of the PHAA are enhanced by our vision for a healthy Australia and by engaging with like-minded stakeholders in order to build coalitions of interest that influence public opinion, the media, political parties and governments.

Health is a human right, a vital resource for everyday life, and key factor in sustainability. Health equity and inequity do not exist in isolation from the conditions that underpin people’s health. The health status of all people is impacted by the social, cultural, political, environmental and economic determinants of health. Specific focus on these determinants is necessary to reduce the unfair and unjust effects of conditions of living that cause poor health and disease. These determinants underpin the strategic direction of the Association.

All members of the Association are committed to better health outcomes based on these principles.

Vision for a healthy population

A healthy region, a healthy nation, healthy people: living in an equitable society underpinned by a well-functioning ecosystem and a healthy environment, improving and promoting health for all.

Mission for the Public Health Association of Australia

As the leading national peak body for public health representation and advocacy, to drive better health outcomes through increased knowledge, better access and equity, evidence informed policy and effective population-based practice in public health.

Preamble

PHAA welcomes the opportunity to provide input to the Standing Committee on Legal and Social Affairs inquiry into a better family law system to support and protect those affected by family violence. The reduction of social and health inequities should be an over-arching goal of national policy and recognised as a key measure of our progress as a society. The Australian Government, in collaboration with the States/Territories, should outline a comprehensive national cross-government framework on reducing health inequities. All public health activities and related government policy should be directed towards reducing social and health inequity nationally and, where possible, internationally.
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PHAA Response to the Inquiry Terms of Reference

1. How the family law system can more quickly and effectively ensure the safety of people who are or may be affected by family violence, including by:
   a) facilitating the early identification of and response to family violence; and
   b) considering the legal and non-legal support services required to support the early identification of and response to family violence

The PHAA strongly supports the proper resourcing of an holistic range of integrated services to support people affected by family violence. Escaping a violent relationship may have flow on effects into virtually all aspects of someone’s life including employment, housing, transport, education, finances, childcare, as well as physical health and mental health. A recent report found that more than two-thirds of women and girls hospitalised for injuries sustained in an assault had been assaulted at home, and the most commonly reported perpetrator was a spouse or domestic partner¹. More than one-third of Australians report having been affected by alcohol-related violence, and more than 90% believe there is a direct link between alcohol and family violence². Witnessing, as well as being a victim of violence can lead to physical, mental and emotional problems in children³⁴.

The family law system has a vital role to play in addressing family violence and assisting those fleeing violent relationships. The PHAA supports Women’s Legal Services Australia’s Safety First in Family Law approach to improving legislative systems in relation to family violence⁵. This approach involves 5 steps:

1. Develop a specialist pathway for domestic and family violence cases in family courts
2. Reduce trauma and support those who are most at risk of future violence and death
3. Intervene early and provide effective legal help for the most disadvantaged
4. Support women and children to financially recover from domestic violence
5. Strengthen the understanding of all family law professionals on domestic violence and trauma.

In order to achieve this, integrated services need to be fully resourced, available and accessible for those affected by family violence. These must include outreach services and real options for women and children victims to remain safely in their home.

PHAA welcomes the recent announcement that the Federal Government will reverse the decision to cut funding from Community Legal Centres, and strongly supports an increase in funding which will be required to assist the increasing numbers of women and children seeking legal support to escape violent relationships.

Social housing is an area of particular need for people affected by family violence. More than one-third of people seeking assistance from homelessness services are doing so due to family violence, and only 9% of these clients were able to find long-term accommodation from their initial request for assistance⁶. Often, there is insufficient emergency housing available, and women fleeing family violence end up not in secure shelters but motels, cars and boarding houses offering little or no protection.
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The Family Violence Hubs currently being established in Victoria provide a model of integrated services which the Federal Government should support the replication of throughout Australia.

PHAA supports the full implementation and resourcing of the National Plan to Reduce Violence Against Women and Their Children 2010-2022.

Conclusion

PHAA supports the broad directions of improving the family law system’s ability to support and protect those affected by family violence. We are keen to ensure adequate resourcing of holistic, integrated services, in line with this submission. We are particularly keen that the following points are highlighted:

- Family violence affects many areas of a person’s life and requires integrated services to address each of those areas
- The restoration of funding to Community Legal Centres is essential and welcomed
- Social housing, both emergency and long-term, is an area of particular need.

The PHAA appreciates the opportunity to make this submission and the opportunity to contribute to an improved Federal Family Law system.

Please do not hesitate to contact me should you require additional information or have any queries in relation to this submission.

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References

2 Foundation for Alcohol Research and Education (2017) Annual alcohol poll: attitudes and behaviours. Canberra: FARE