

WOMEN'S LEGAL SERVICES AUSTRALIA - NEWSLETTER

GENERAL NEWS

National Law Reform Coordinator

We would like to thank Angela Lynch from Women's Legal Service in Brisbane for all her hard work as Law Reform Coordinator for WLSA from 2011 to 2013.

We welcome Heidi Guldbaek from the Women's Law Centre in WA as the new Law Reform Coordinator for WLSA.

New Government

In September 2013, WLSA has congratulated Prime Minister Tony Abbott on his election success and moving the Women's portfolio into the Department of Prime Minister and Cabinet.

We have also congratulated Senator George Brandis with his election success and appointment as Attorney-General. He thanked us in response and said that he is looking forward to meeting with us in the near future.

We look forward to building a constructive relationship with the Attorney-General and the Prime Minister to eradicate family violence and improve family law outcomes for women and children.

Assessment Process in Family Law

WLSA raised awareness with the Attorney-General's department of concerns expressed by its members regarding assessment of violence and abuse that are currently being undertaken in the family law system. WLSA believes that the use of specialized family violence reports are an essential component that the court requires in making decisions in the best interests of children in matters involving family violence. These family violence expert reports are currently not being requested.

National Plan to Reduce Violence

WLSA continues to lobby for progress in accordance with the National Plan to Reduce Violence Against Women and their Children.

Prior to the election, WLSA has sent a letter in conjunction with AWAVA to Minister Collins to raise awareness of the lack of legal representation on NPIP or advisory groups.

SUBMISSIONS

On 4 November 2013, WLSA lodged a comprehensive submission to the Productivity Commission inquiry in Access to Justice Arrangements. A copy of the submission can be accessed from the Productivity Commission website. We highlighted the needs of women in the civil justice system, particularly in family law and the need for appropriate and continued funding.

On 31 October 2013, WLSA provided a submission to Helen Rhoades research into an alternative decision making framework for Pat VII of the Family Law Act.

On 15 October 2013, WLSA offered a number of research ideas to the National Centre of Excellence to consider when setting their research agenda. The suggestions included analysis of assessment of family violence in family law, spousal and dependent visas and family violence and child protection and early intervention.

WHAT'S NEW ACROSS AUSTRALIA

ACT

- The ACT government has been reviewing the ALRC/NSWLRC Family Violence Recommendations to prepare a comprehensive package of legislative reform and procedural change. There has been four round-table discussions with stakeholders to date. We are hopeful that the reforms will be actioned in 2014.
- The ACT Government has been reviewing the Financial Assistance Scheme for victims of crime. At present, the ACT has a Court Based scheme and is looking at introducing an administrative scheme. As well, there is discussion about substantive changes to the crimes compensated and the categories of people compensated. Watch this space.

NSW

- **Foetal Personhood Bill**

The Liberals and Fred Nile's Christian Democratic Party have proposed a new law in NSW that will give legal personhood to a foetus (Zoe's Law Bill). If this Bill is passed, it will be the first time in Australia that legal personhood is granted to a foetus.

While extremely concerned about the harm done to women including their foetuses (such as through acts of violence), WLS NSW and WLSA view the draft law as a clear attempt to undermine women's rights by changing the legal status of a foetus. The law already provides a serious offence of grievous bodily harm for the destruction (other than in the course of a medical procedure) of the foetus of a pregnant woman, whether or not the woman suffers any other harm. This is punishable by up to 25 years imprisonment.

WLS NSW and WLSA are also worried the law could be used to impose restrictions on the behaviour of pregnant women.

WLS NSW and WLSA have written to all members of NSW Parliament urging members to oppose the bill. WLSA's letter was quoted during parliamentary debate.

The Bill was passed in the NSW Parliament's Lower House on a conscience vote 63 to 26 and was introduced into the Upper House on 26 November 2013. It will be debated in the Upper House next year.

TAKE ACTION:

Write to or call members of the Upper House. Their phone numbers and email addresses can be found at:

<http://www.parliament.nsw.gov.au/prod/parliament/members.nsf/V3ListCurrentLCMembers>

Further information: <http://www.womenslegalnsw.asn.au/wlsnsw/law-reform/zoes-law/#.UqkSMuhgCkF> and

<http://ourbodiesourchoices.weebly.com/your-mlc.html>

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WHAT'S NEW ACROSS AUSTRALIA - continued

NSW - continued

- **NSW Child Protection Legislative Reform**

Women's Legal Services Australia was one of 25 community, women's, legal, youth and human rights organisations that expressed concern about the proposed reforms to child protection laws in NSW through an Open Letter to Minister Goward, Minister for Family and Community Services.

The letter called for the release of draft laws for public consultation so as to avoid unintended consequences, particularly for vulnerable and disadvantaged families, including parents who themselves grew up in out-of-home-care.

The Child Protection Legislation Amendment Bill 2013 was introduced into the NSW Parliament's Lower House on 21 November 2013. It is expected to be debated in February 2014.

For further information, including a copy of the Open letter see:

<http://www.womenslegalnsw.asn.au/wlsnsw/law-reform/child-protection-law-changes/>

NT

- TEWLS and CAWLS have been working together to advocate for a domestic violence death review process in the NT. In September 2013, we sent a letter to the Attorney General with the support of 24 other legal and non-legal services from around the NT calling for the establishment of a domestic violence death review. We have also met with the Director of the Domestic and Family Violence Project in the NT Department of Attorney-General and Justice and have been told that this matter will be considered as part of developing a domestic and family violence strategy under the NT 'Pillars of Justice Framework'. Positively, this strategy is to follow a 'whole of government' model and includes ten government agencies. The protection of women and children and victims rights will be core components. The strategy is intended to form the basis of the NT's long awaited jurisdictional plan under the National Plan to Reduce Violence Against Women and Their Children.
- Community consultations in relation to the domestic and family violence strategy are to take place in Darwin on 28 November 2013 and in Alice Springs on 29 November 2013. Written submissions may be made until 25 January 2014 to Joanne.sangster@nt.gov.au
- Finally, the Evaluation of the Impact of Mandatory Report of Domestic and Family Violence report by KPMG has been publically released and can be accessed at: <http://www.nt.gov.au/justice/publications.shtml>

QLD

- Women's Legal Service Inc in Brisbane has a new website <http://www.wlsq.org.au>
- We have published our new separation booklet in e-book format (available via our website) that explains the changes to family law and Queensland domestic violence law for women who are separated or considering separation.

WHAT'S NEW ACROSS AUSTRALIA - continued

TAS

- Congratulations to Women's Legal Service Tasmania on being a finalist in the 2013 Melbourne Design Awards in the Digital Experience – Mobile category for their Girls Gotta Know iPhone App. This award celebrates innovation and creativity in design of a unique user experience in the combination of text, audio, still images, animation, video, and interactive content for mobile. Consideration given to clarity of communication and the matching information style to audience.

Although WLS was not successful in taking out the Design Award, we reckon the team and the Girls Gotta Know iPhone App and website are winners anyway!!

You can learn more about the App and it's inclusion in the 2013 finalist line up at:

http://melbournedesignawards.com.au/MDA2013/entry_details.asp?ID=12216&Category_ID=5172

- Following months of briefings and hearing evidence from legal and medical experts, The Legislative Council Committee examining the *Reproductive Health (Access to Terminations) Bill 2013* tabled their report on Thursday 14th November 2013. A number of amendments were made to the Bill, but the key features remained including decriminalising abortions and protest exclusion zones around clinics where terminations of pregnancy may be performed. The Legislative Council and House of Assembly have passed the bill which is a great step for women's health in Tasmania.

VIC

- Women's Legal Service Victoria has delivered a number of innovative projects in 2013.
- We have partnered with family violence agencies around Victoria on a pilot project to deliver legal advice to women who live in rural and metropolitan Victoria using skype technology. The pilot project enables women to receive legal advice close to home, in a holistic setting where they are supported by their family violence worker. Women in rural areas face particular difficulties in accessing legal services due to their geographic isolation. In addition, statistics show that the incidence of family and domestic violence is higher in rural areas. This pilot, funded by the Legal Services Board, aims to address these disadvantages and, at the same time, strengthen co-operation between the legal and family violence sectors.
- WLSV is also currently delivering training to strengthen the capacity of CLC family violence applicant duty lawyers throughout Victoria. The training includes a series of capacity building workshops and a mentoring program between senior CLC lawyers and junior lawyers working in the family violence jurisdiction.
- In the law reform space, WLSV has continued to advocate for improved legislative protection for family violence victims in the family law jurisdiction. Cuts to legal aid assistance in family law have had a significantly detrimental affect on women, who are no longer eligible for legally aided trial representation. This issue will continue to be a campaign priority for WLSV in 2014. We have contributed to a number of inquiries more recently, including the Productivity Commission Inquiry into Access to Justice and the Australian Law Reform Commission's review of a cause of action for serious invasions of privacy. Copies of our submissions are available to read on our website: www.womenslegal.org.au

WHAT'S NEW ACROSS AUSTRALIA - continued

WA

- Community Legal Centres Association WA in conjunction with the Human Rights Law Group of King & Wood Mallesons have been working hard to develop the 2013 Human Rights in WA Report Card. The Report Card provides commentary in relation to the advancement or stagnation of human rights in Western Australia in regards to a range of areas. The report is expected to be launched in February.
- The Perth Aboriginal Family Violence Prevention Legal Service known as Djinda Services, is now open! Djinda Services is a collaborative legal and support service operated by Relationships Australia WA (RAWA), who provide client support and counselling, and the Women's Law Centre of WA (WLCWA), who provide the legal component. Legal services of Djinda include advice, representation and community legal education in the areas of violence restraining orders, child protection, criminal injuries compensation (where it relates to family violence or sexual assault), and family law (including child support). Djinda is targeted at Aboriginal and Torres Strait Islander people located in the Perth metropolitan area, who are or have been victims/survivors of family violence or sexual assault. Djinda is a Noongar word meaning "Star". It was chosen to represent Aboriginal women who are beacons of light for their communities. Funding for this service is provided through the WA Attorney-General's Department.
- The laws in relation to family and domestic violence in WA are expected to undergo a complete overhaul. The Law Reform Commission of WA will be launching a discussion paper on 19 December. The Domestic Violence Legal Workers Network and the Women's Council for Domestic and Family Violence Services have developed an online survey to consult with their members, in undertaking their submission to the Inquiry.
- The Women's Law Centre had some recent success in relation to arguing the inappropriateness of the Department for Child Protection ordering for a young Aboriginal woman to undergo a parenting capacity assessment (consisting of psychological testing with a clinical psych). The concern raised to the Department was that psychological testing such as intellectual or cognitive assessments, personality assessments, anxiety and depression scales, and risk of abuse scales as commonly used in western psychology, may not be appropriate for assessing Aboriginal People. Further, members of the Australian Indigenous Psychologists Association have developed a way of conceptualising social and emotional wellbeing for Aboriginal people that differ to western psychology. Their approach takes into account historical, political, cultural and social determinants as well as a collectivist culture and the collective sense of relatedness. This argument was based on a recent [AIFS seminar presented by Victoria Hovane](#).