



Women's Legal Services Australia (WLSA)

5 Top Priorities¹

to Achieving Women's Safety from Family and Sexual Violence and Justice in the Legal System

Introduction

Reform of the legal system reform is essential to achieving safe outcomes and justice for women, experiencing family and sexual violence in Australia. Specialised legal assistance and advice is essential to safe outcomes. This document details WLSA's top 5 reform priorities for implementation in the next Australian Federal Parliament. We ask all parties and candidates to agree to these, as they are practical and achievable and will make a discernible difference to the safety of women and children in Australia.

Who are we?

Women's Legal Services Australia (WLSA) is a national network of specialist, women led, accredited community legal centres, specifically developed to improve women's access to safe outcomes (for themselves and their children), economic justice, and the advancement of their human rights, through specialist legal representation, support, and advocacy.

WLSA members are grounded in the local communities they serve and operate from a variety of locations across Australia, and all have specific programs for rural and regional women, recognising rural and regional women's limited ability to access independent, confidential legal assistance. Our principal areas of legal work include family violence (intervention/ protection orders), family law, child protection and crimes compensation. Many WLSA members have operated for 20 years with some operating for over 40 years.

WLSA provides early intervention legal advice, information, and legal education to inform women of their legal rights and to assist with the earliest resolution of matters in a safe way, whilst also providing more long-term assistance through our representation and court work. We are collaborative, solutions focussed and innovative.

We work in a way that promotes our legal system being safe, supportive, non-discriminatory, and accessible. Our client work is holistic and recognises that women who seek legal advice often are experiencing a range of other issues, including safety, employment, and housing and many *may* face barriers and inequalities (including intersectional inequalities) to achieving justice.

WLSA is committed to providing individual services to women and using our client's combined lived experience to inform our systemic work, to improve the legal system and laws, to make them safer and more responsive to women who have experienced family and/or sexual violence, and to work towards achieving the necessary cultural and structural change required to address gender inequality more broadly.

¹ This document was developed by WLSA for the Federal Election 2022.

The 5 Top Priorities:

- 1. Improve the family law system's response to victims of family violence to achieve greater safety²**
 - Recognise the family court as a 'family violence court', to provide greater focus on safety at every level especially in decision-making.
 - Remove the presumption of equal shared parental responsibility and links to equal time from the Family Law Act, as it endangers victims by:
 - increasing the time children spend with perpetrators, including unsupervised time,
 - provides multiple opportunities for perpetrators to engage in coercive control,
 - locks victims into living in the same geographical zone as perpetrators,
 - makes it very difficult for victims to move away from perpetrators for safety reasons,
 - has detrimental financial impacts for children,
 - incentivises perpetrators to litigate and promotes system's abuse.
 - Develop and fund an early intervention, specialised family violence and legally assisted family dispute resolution (mediation) program for family law that would safely settle disputes before escalation and/or triage unsuitable or unsafe matters or those that do not reach settlement to the family court.

- 2. Increase resourcing for specialist family violence legal representation to increase victim safety**
 - Fund all WLSA members to an adequate level to provide trauma informed, specialist legal assistance and court representation, so no vulnerable woman who reaches out for assistance is turned away. It is especially important to fill critical gaps, such as providing legal representation for women who have experienced family violence in family court children's matters.
 - Resource WLSA members and the legal assistance sector adequately to represent women to pursue economic justice post-separation in family property division, especially where there is family violence. This strategy will help alleviate women's poverty post separation, which is especially important for older women.

- 3. Introduce new laws and social supports to achieve economic justice for victims**
 - Specifically include family violence as a factor relevant in family property division.
 - To alleviate child poverty, implement the recommendations of the *Debts and Disappointments, Mother's Experiences of the Child Support System Report*³.

- 4. Improve laws and systems to achieve better outcomes for victims of sexual violence/harassment**
 - Implement in total all 55 recommendations of the *Respect at Work Report*.
 - That the Federal Government work with the States and the sexual violence sector and help fund innovative responses to sexual violence to improve outcomes for victims, such as piloting specialist sexual violence courts and developing national model best practice legal principles for affirmative consent laws in Australia.

- 5. Introduce new approaches to developing policy and legislation that promote equitable outcomes**
 - Fund a WLSA national secretariat to provide expert, independent advice in responding to policy and legislative development and research issues, can support responsive policy by identifying emerging issues and possible solutions and provide federal leadership across the family and sexual violence legal sector.
 - Introduce a requirement for gender impact analysis reports for all federal policy and legislation.

² Includes child and adult victims.

³ Jointly created by Swinburne University of Technology and the National Council for Single Mothers and their Children, (2019) [apo-nid268591.pdf](#)