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## **MEDIA RELEASE**

### **Family Violence should be considered in property disputes under Family Law Act**

Today, Women's Legal Services Australia and National Legal Aid will tell the Australian Parliament that family violence must be a factor considered in family law property disputes.

The two organisations, along with First Nations Advocates Against Family Violence, Fitzroy Legal Service and Caxton Legal Centre, will appear in the first and only public hearing before the Senate Inquiry into the Family Law Amendment Bill 2024 in Canberra.

The amendments proposed to the Family Law Act would distinctly recognise family violence as a factor in property disputes.

**Women's Legal Services Australia representative Meaghan Bradshaw** said the change was vital to ensure the impact of family violence on past and future economic wellbeing and housing security of victim-survivors is recognised, and addressed.

*"We see first-hand the devastating impact of family violence on women and children, which is often exacerbated by the unfair or unjust distribution of property post-separation,"* said Mrs Bradshaw.

*"We know women often do not leave violent relationships because of the economic impacts. They are effectively forced to choose between violence or poverty."*

*"Women who access our services often tell us they are fearful of seeking the property they are entitled to post-separation due to possible repercussions, including escalating violence. Many women tell us that violence has impacted their capacity to work or study and these impacts are long lasting and continue post separation."*

*"These changes will enhance women's economic wellbeing and housing security."*

**National Legal Aid Executive Director, Katherine McKernan** said making family violence a specific consideration in property disputes is an important step towards creating a family law system that better supports victim-survivors to leave violent relationships and recover safely with their children.

*"Women leaving a violent relationship are at greater risk of financial hardship and poverty than men post-separation."*

*"Recent research has shown that half of the women who leave a violent relationship end up living in poverty,"* said Ms McKernan.

*"Where there has been family violence, it may be just and equitable for the victim-survivor to receive all of the available property, particularly if the house is required to safely house them and their children."*

*"We welcome the proposed changes to the Family Law Act, which give due recognition to the depth of the harm family violence inflicts on individuals as well as the community."*

In addition to legislative changes, the family law system must be properly resourced. Women's Legal Services Australia and National Legal Aid call for funding to ensure greater access to:

- **legal assistance services for people experiencing disadvantage**; family violence and trauma-informed, culturally safe specialist legal assistance services, particularly for women who are victim-survivors of violence;
- **Independent Children's Lawyers** to ensure all children can participate in decision-making about their best interests; and
- **Indigenous Liaison Officers** to provide culturally appropriate support.

A copy of Women's Legal Services Australia and National Legal Aid's full submissions to the Senate Inquiry into the Family Law Amendment Bill can be found [here](#).

## **ENDS**

**MEDIA CONTACT:** Kimberley Gardiner 0437 435 777

## **About Us**

### *Women's Legal Services Australia*

Women's Legal Services Australia (WLSA) is the national voice for 13 specialist Women's Legal Services in each State and Territory across Australia. Women's Legal Services specialise in providing legal assistance and non-legal support services to women, including legal representation, support, and advocacy.

In 2022-2023, Women's Legal Services delivered legal assistance and non-legal support services to over 25,000 women across the country.

### *National Legal Aid*

National Legal Aid (NLA) represents the Chief Executive Officers of the eight Australian State and Territory Legal Aid Commissions (LACs). LACs are independent statutory authorities funded by the Commonwealth and respective State and Territory governments to provide legal assistance to people experiencing financial disadvantage.

In 2022-2023 Legal Aid Commissions provided 32,000 grants of legal aid for ongoing legal representation in Commonwealth family law matters and another 22,000 in connection with state/territory laws about family violence and child protection. National Legal Aid data shows that family violence is a factor in nearly 86 per cent of legally aided cases before the family law courts.

Legal Aid Commissions provide legal advice and minor assistance, duty services, family dispute resolution and case representation in commonwealth family law matters, including child support matters, and in state domestic and family violence and child protection matters. Legal Aid Commission services include integrated and wraparound specialist services for clients.