

2014 Victorian Election

NO MORE DEATHS

Keep women and children safe from family violence.



MEDIA RELEASE

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Family violence victims may miss out on legal help

Legislation in Parliament this week responding to increased pressures on family violence courts means many victims of family violence will not get legal help unless Government increases funding, seven family violence peak bodies and statewide organisations said today.

The Family Violence Protection Amendment Bill proposes that temporary intervention orders will become final if the perpetrator of the violence does not object. At present, victims must return to court to obtain a final intervention order.

In September 2013 community organisations including the Federation of Community Legal Centres, Women’s Legal Service Victoria, Domestic Violence Resource Centre Victoria, Aboriginal Family Violence Prevention Legal Service, and inTouch Multicultural Centre Against Family Violence wrote to the Department of Justice strongly opposing a similar proposal.

‘While there are advantages in not having to go back to court, we were concerned that women would miss out on the chance to better tailor the final order to suit their circumstances, and that magistrates would then not be able to hold those perpetrators to account in open court. Instead those men would simply receive the written order, more akin to a parking ticket process,’ said Dr Chris Atmore, Senior Policy Adviser with the Federation of Community Legal Centres.

Dr Atmore said that while the groups were pleased that the Government had responded to many of their concerns and that it seemed likely that further safeguards would pass this week, it was critical that Government address the need for women to obtain legal help.

‘One safeguard in the Bill is that the woman must consent to her temporary order becoming final without the perpetrator attending court. In order for that consent to be genuinely informed, she needs to obtain legal advice. But our lawyers are usually only funded to provide assistance at court at the final order stage of the process, not when victims first come in seeking a temporary order,’ Dr Atmore said.

She said it was important to view the increased demands on the family violence intervention order system as a sign of success in efforts over the last decade to provide an integrated response to victims and perpetrators of family violence.

‘So we really need a commensurate increase in resourcing for community legal centres – around \$1.2 million per year. We are hoping that when Parliament debates the Bill this week, it will commit to urgently addressing this issue in consultation with our organisations,’ Dr Atmore said.

Dr Atmore said that the groups welcomed the Government’s commitment to evaluating after two years whether the legislation was enhancing the safety of women and children, but that this examination needed to be independently conducted.

For media comment

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