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## OUR WATCH

# SUBMISSION TO INQUIRY INTO AUSTRALIA'S FAMILY LAW SYSTEM

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December 2019

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## About Our Watch

Our Watch is an independent, not for profit organisation established by the Commonwealth and Victorian Governments in 2013. Since establishment, all States and Territories have become members of Our Watch.

Our vision is shared with the *National Plan to Reduce Violence against Women and their Children 2010–2022* (the National Plan), namely an Australian community free from violence against women and their children.

The specific mandate of Our Watch is to focus on the primary *prevention* of violence against women and their children. We aim to provide national leadership to drive change in the social norms, structures, attitudes and practices that underpin, drive and support violence against women and their children. Our Watch has four key areas of work:

1. Design and deliver public campaigns that engage and educate individuals and the community
2. Promote a sustained and constructive public conversation
3. Enable organisations, networks and communities to effect change
4. Influence public policy, systems and institutions.

## About this submission

Our Watch is pleased to contribute to the Joint Select Committee on Australia's Family Law System.

This submission focuses on three of the terms of reference for this inquiry:

- f. the impacts of family law proceedings on the health, safety and wellbeing of children and families involved in those proceedings
- h. any further avenues to improve the performance and monitoring of professionals involved in family law proceedings and the resolution of disputes, including agencies, family law practitioners, family law experts and report writers, the staff and judicial officers of the courts, and family dispute resolution practitioners;
- k. any related matters

## Recommendations

Our Watch recommends:

- 1: Immediately implement the reforms set out in the Women's Legal Services Australia *Safety First in Family Law Plan* to make the family law system safer for women and their children**
- 2: Engage in genuine partnership with Aboriginal and Torres Strait Islander communities, their representative bodies, and Aboriginal and Torres Strait Islander Community Controlled Organisations to design family law system reforms which promote the safety of Aboriginal and Torres Strait Islander women and their children**



**3: All professionals working in the family law system should have access to high-quality and best-practice ongoing training and professional development, both on the gendered dynamics and impacts of family violence and on gender equality more broadly**

**4: Adopt the recommendations made by the National FVPLS Forum on core competencies for professionals working in the family law system and employment of Aboriginal and Torres Strait Islander people at all levels of the family law system**

## Introduction

It is well established that cases before the family law courts contain a high level of complexity including an over-representation of family violence (compared to population-level data) and concerns for child safety.<sup>1</sup> Given the overwhelming evidence that family violence is gendered, with women most commonly the victims, it is crucial that the family law system is responsive to this and puts safety first, both for women experiencing violence and children impacted by this violence.

The promotion of gender equality across our society (including through laws, policies, systems and institutions) is crucial to the prevention of violence against women. This includes urgently reforming the family law system to address the well-documented safety issues for women and children.

## Gender equality and primary prevention of violence against women

Australia's shared framework for the primary prevention of violence against women and their children, *Change the story*, identifies gender inequality as setting the necessary social context in which violence against women occurs. The framework demonstrates that there are particular expressions or manifestations of gender inequality that are most consistently associated with higher levels of violence against women. These are referred to in *Change the story* as the 'gendered drivers' of violence against women. A range of international evidence finds that these gendered drivers arise from unequal and discriminatory institutional, social and economic structures, social and cultural norms, and organisational, community, family and relationship practices. Together, these structures, norms and practices create environments in which women and men are not considered equal, and violence against women is both more likely to happen, and more likely to be tolerated and even condoned.

The gendered drivers of violence against women outlined in the framework are as follows:

- Condoning of violence against women
- Men's control of decision-making and limits to women's independence, both in public life and in relationships
- Rigid gender roles and stereotyped constructions of masculinity and femininity
- Male peer relations that emphasise aggression and disrespect towards women

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<sup>1</sup> Australian Law Reform Commission. (2019). *Family Law for the Future – An Inquiry into the Family Law System: Final Report*; Parliament of the Commonwealth of Australia, House of Representatives Standing Committee on Social Policy and Legal Affairs. (December 2017). *A better family law system to support and protect those affected by family violence: Recommendations for an accessible, equitable and responsive family law system which better prioritises safety of those affected by family violence*; R Kaspiew, R Carson, J Dunstan, L Qu, B Horsfall, J De Maio et al. (2015). *Evaluation of the 2012 family violence amendments: Synthesis report* (Evaluation of the 2012 Family Violence Amendments). Melbourne: Australian Institute of Family Studies.

*Change the story* uses a socio-ecological model to explain individual behaviour in a social context and illustrate the dynamic interrelations between relevant factors located at the individual, organisational, community, systemic and social levels.

*Change the story* has been integrated into the Third and Fourth Action Plans of the National Plan to Reduce Violence against Women and their Children, endorsed by all Australian governments through COAG in October 2016 and August 2019 respectively.

### Gender inequality intersects with other forms of inequality and discrimination

*Change the story* shows that, while gender inequality is always influential as a driver of violence against women, it cannot be considered in isolation, nor is it experienced in the same way by every woman. Other forms of systemic social, political and economic inequality, discrimination and disadvantage influence and intersect with gender inequality in complex ways, and at all levels of the social ecology. In some cases, they can increase the frequency, severity and prevalence of violence against women. This means that while gender inequality is a significant factor, it needs to be considered and addressed alongside and together with a range of other significant factors that may be significant in some cases, such as racism, homophobia, the impacts of colonisation and ableism.

The specific intersections relevant to understanding and preventing violence against Aboriginal and Torres Strait Islander women in particular are outlined in [\*Changing the picture\*](#), a resource produced by Our Watch and based on significant research, consultation and collaboration with Aboriginal and Torres Strait Islander people. Aiming to support national efforts to prevent violence against Aboriginal and Torres Strait Islander women and their children, *Changing the picture* sets out a model for understanding the specific intersecting drivers of this violence, namely:

- The ongoing impacts of colonisation for Aboriginal and Torres Strait Islander people
- The ongoing impacts of colonisation for non-Indigenous people and in Australian society
- Gendered factors – both gender and inequality in a gender sense, and specific gendered drivers of violence that are a consequence of colonisation

### Preventing violence against women

Violence against women is prevalent but not inevitable. The drivers of violence against women are deeply entrenched across society, but they can be shifted through sustained efforts to progress gender equality.

*Change the story* sets out five essential actions that comprise such an approach, by addressing the gendered drivers of violence against women:

1. Challenge condoning of violence against women
2. Promote women's independence and decision-making in public life and relationships
3. Foster positive personal identities and challenge gender stereotypes and roles
4. Strengthen positive, equal and respectful relations between and among women and men, girls and boys
5. Promote and normalise gender equality in public and private life

There are opportunities to contribute to these essential actions across many public policy areas, including family law.

## Australia's family law system and violence against women

Australia's family law system operates within a broader social context in which there are still significant gender inequalities and many common myths and misconceptions about violence against women.

The social and cultural visibility of the issue of violence against women, in the mainstream media and in public and political debate, has risen significantly in the last decade, as has the level of public awareness and interest. There have been positive changes in this time, for example the National Community Attitudes towards Violence against Women Survey (NCAS) reveals an increase in awareness of the different forms of violence against women between 2013 and 2017.<sup>2</sup> These surveys also reveal that Australians were more likely to support gender equality and reject violence against women in 2017 than they were in 2013 and 2009.<sup>3</sup>

However, while most Australians (64%) recognise that domestic violence is perpetrated mainly by men, or more often by men, it is concerning that the percentage of Australians who recognise this has dropped 7 percentage points since 2013.<sup>4</sup> This data suggests that there is a significant (and apparently increasing) portion of the public whose perceptions are significantly at odds with the gendered reality of violence. The Australian Bureau of Statistics Personal Safety Survey shows that women are nearly three times more likely than men to experience violence from an intimate partner, four times more likely than men to be hospitalised after being assaulted by their spouse or partner, and more than twice as likely as men to have experienced fear or anxiety due to violence from a former partner.<sup>5</sup>

As a society, we are only now beginning to dispel long-held myths and misconceptions, and build a broader understanding of the dynamics and impacts of all forms of violence against women. This deeper understanding is beginning to inform important, ongoing work to both respond to and prevent violence against women, work that is being undertaken by a range of stakeholders including governments, civil society, businesses and communities.

Violence against women can be condoned both through widely-held beliefs and attitudes (social norms), and through legal, institutional and organisation structures and practices that reflect and reinforce them. *Change the story* shows it is critically important to challenge the condoning of violence against women, including by reforming systems that, in their operation, justify, trivialise,

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<sup>2</sup> K Webster, K Diermer, N Honey, S Mannix, J Mickle, J Morgan, A Parkes, V Politoff, A Powell, J Stubbs and A Wards. (2018). *Australia's attitudes to violence against women and gender equality. Findings from the 2017 National Community Attitudes towards Violence against Women Survey (NCAS)* (Research report, 03/2018), ANROWS.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Australian Bureau of Statistics. (2017). Personal Safety, Australia, 2016, ABS cat. No. 4906.0

excuse, or downplay violence against women, or blame the victim of violence. In the case of the family law system, any reforms must be informed by a strong, evidence-informed understanding of the prevalence and dynamics of gender-based violence and its impacts on women and their children.

The currently limited and inconsistent understanding within the family law system about the dynamics of gender-based violence, and the persistence of myths and misconceptions about this violence (both within parts of the system and across our society), can cause significant harm to women engaging in the family law system.

The Victorian Royal Commission into Family Violence recognised:

A belief among lawyers and the wider legal system that allegations of family violence are commonly made in order to gain advantage in negotiating disputes about parenting may imperil the safety of victims of family violence and their children. Such attitudes minimise the extent of family violence in our community and the harm it causes. Understanding by the court and legal profession of the tactics used by perpetrators of violence to further perpetrate abuse is essential.<sup>6</sup>

Research cited in the 2017 Parliamentary inquiry into *A better family law system to support and protect those affected by family violence: Recommendations for an accessible, equitable and responsive family law system which better prioritises safety of those affected by family violence* report found that “family violence can be invalidated by the family law system, including in family reports”, by:

- Reconstructing domestic violence as inconsequential and thereby diminishing its relevance to parenting arrangements;
- Reconstructing coercive control as something else – it is ‘not that serious’, episodic, ‘only parental conflict’, and/or an act from the past that victims needed to ‘get over’;
- Adopting normative gender misconceptions that demand maternal support of the perpetrator/child relationship and call into question women’s credibility by labelling them dishonest and manipulative; and
- The selective silencing and misconstruing of children’s voices<sup>7</sup>

The Queensland *Not Now, Not Ever* Taskforce report reported “instances of Magistrates making inappropriate comments, displaying a lack of vital understanding of the complexities and dynamics of domestic and family violence, and failing to reference the impact of the violence in decisions”.<sup>8</sup>

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<sup>6</sup> Royal Commission into Family Violence. (March 2016). *Report and recommendations*, Volume IV, 214.

<sup>7</sup> Parliament of the Commonwealth of Australia, House of Representatives Standing Committee on Social Policy and Legal Affairs. (December 2017). *A better family law system to support and protect those affected by family violence: Recommendations for an accessible, equitable and responsive family law system which better prioritises safety of those affected by family violence*, 54.

<sup>8</sup> Special Taskforce on Domestic and Family Violence in Queensland. (2015). *Not Now, Not Ever: Putting an end to domestic and family violence in Queensland*, 272.



When the family law system is unresponsive to family violence – or responds inappropriately – it causes direct harm to those women who have experienced violence and are engaging in the system.

Furthermore, because our legal and court systems play a significant role in influencing and reinforcing community norms, these kinds of inappropriate system responses can also reinforce myths and misconceptions about violence against women in society more broadly, further adding to an environment that condones such violence.

The findings from the 2017 National Community Attitudes towards Violence against Women Survey (NCAS) reveal concerning beliefs among Australians relating to family separation and violence. For example, more than two in five Australians (43%) believe that women make up or exaggerate violence in order to secure tactical advantage in disputes about where children will live after separation or divorce, with men more likely to believe this than women (49% vs 37%).<sup>9</sup> It is positive that the proportion of people who believe that women lie or exaggerate domestic violence in the context of family law proceedings has declined ten percentage points since 2013, however a significant proportion of the population continue to hold these harmful beliefs.

As ANROWS highlights, these beliefs are not consistent with the available evidence, and there is evidence that such beliefs cause harm:

There is evidence that a perception by women that this belief [that women lie about intimate partner violence for tactical reasons] is held by others influences disclosure, with many who experience intimate partner violence making a deliberate decision not to disclose this in the course of family law disputes. This is because women believe that doing so will prejudice their prospects of achieving an appropriate care arrangement for their children. For example, in a recent Australian study 38% of parents who had experienced domestic violence and/or held safety concerns for their children *did not* disclose this to family law professionals during family court negotiations. These fears are not ill-founded, with a study of family law practitioners finding that they believed that false allegations of intimate partner violence were made in 30-80% of cases. Also of note is the very notion of intimate partner violence conferring a tactical advantage to women is not well founded. Even where intimate partner violence has been established legally, there is a tendency for courts to prioritise children maintaining contact with their fathers.<sup>10</sup>

The existence of a high level of disbelief about women's experiences of violence in our society broadly, coupled with a family law system that often disbelieves these experiences, creates a significant disincentive for women to seek help and support when they need it.

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<sup>9</sup> K Webster, K Diermer, N Honey, S Mannix, J Mickle, J Morgan, A Parkes, V Politoff, A Powell, J Stubbs and A Wards. (2018). *Australia's attitudes to violence against women and gender equality. Findings from the 2017 National Community Attitudes towards Violence against Women Survey (NCAS)* (Research report, 03/2018), ANROWS.

<sup>10</sup> Ibid, 88.



For many women, there are additional barriers to reporting experiences of violence and engaging safely in the family law system due to the ways in which different and multiple systems and structures of oppression and discrimination intersect and reinforce each other.

The National Family Violence Prevention Legal Services (FVPLS) Forum has highlighted that “within the context of persistent and systemic discrimination, Aboriginal and Torres Strait Islander victim/survivors of family violence, predominantly women and their children, face a number of specific, complex and compounding barriers to accessing the family law system” including fear of child removal, lack of cultural safety and family violence sensitivity, risk of re-traumatisation and further violence, and limited resourcing of specialist culturally safe services.<sup>11</sup>

The intersection of immigration and family law is a key issue affecting migrant and refugee women who experience family violence. InTouch Multicultural Centre against Family Violence has highlighted “the significant impact of family law proceedings on the residency status of migrant victims of family violence” including in relation to delays in proceedings on visa applications made under the family violence provisions of the *Migration Act*.<sup>12</sup> The Victorian Royal Commission into Family Violence received evidence that perpetrators use children and immigration status to manipulate their victims, for example “raising the immigration status of a woman in custody cases, to undermine the woman’s case for custody and divert the court’s attention away from family violence”.<sup>13</sup>

To design family law system reforms that are responsive to the needs of women who experience violence, and that promote the safety of all women and children, it is crucial to engage with the expertise of specialist women’s services and those who have expertise in the intersection of gender inequality and other forms of discrimination and oppression.

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<sup>11</sup> National Family Violence Prevention Legal Services Forum. (May 2018). Submission to the Australian Law Reform Commission – Review of the Family Law System Issues Paper, 13-14. Accessed: [https://www.nationalfvpls.org/images/files/NFVPLS\\_Submission\\_to\\_ALRC\\_Family\\_Law\\_Review\\_May\\_2018\\_FINAL.pdf](https://www.nationalfvpls.org/images/files/NFVPLS_Submission_to_ALRC_Family_Law_Review_May_2018_FINAL.pdf)

<sup>12</sup> InTouch Multicultural centre against Family Violence. (May 2017). Submission to the Committee on Social Policy and Legal Affairs in relation to the Parliamentary Inquiry into a Better Family Law System to Support and Protect Those Affected by Family Violence, 22. Accessed: <https://intouch.org.au/wp-content/uploads/2018/11/Better-Family-Law-Parliamentary-Inquiry-2017.pdf>

<sup>13</sup> Royal Commission into Family Violence. (March 2016). *Report and recommendations*, Vol I, 22.



## Family law system reform

The Australian Law Reform Commission has identified that family violence is the most commonly raised factual issue in family law proceedings.<sup>14</sup> Evidence presented to the 2017 Parliamentary inquiry into a better family law system to support and protect those affected by family violence indicated “that the current family law system is unresponsive to reports of family violence. This can be through strategic disincentives to raising family violence concerns, dismissing reports of family violence, or court delays”.<sup>15</sup>

These findings highlight the need for the family law system to be responsive to family violence and better ensure the safety of women and children experiencing this violence who engage with the system.

Our Watch would like to draw the Inquiry’s attention to the Women’s Legal Services Australia *Safety First in Family Law Plan*.<sup>16</sup> The plan includes five recommendations for reforming the family law system based on research, evidence and key recommendations from previous family law inquiries. These recommendations can be implemented immediately to make the family law system safer for women and their children.

The Safety First Plan recommends:

1. Strengthen family violence response in the family law system
2. Provide effective legal help for the most disadvantaged
3. Ensure family law professionals have real understanding of family violence
4. Increase access to safe dispute resolution models
5. Overcome the gaps between the family law, family violence and child protection systems

Our Watch endorses this *Safety First* Plan and encourages immediate implementation of its recommended reforms.

**Our Watch recommendation 1: Immediately implement the reforms set out in the Women’s Legal Services Australia *Safety First in Family Law Plan* to make the family law system safer for women and their children**

### Promoting safety for Aboriginal and Torres Strait Islander women in the family law system

The National FVPLS Forum highlighted the context within which Aboriginal and Torres Strait Islander women and children engage in the family law system:

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<sup>14</sup> Australian Law Reform Commission. (2019). *Family Law for the Future – An Inquiry into the Family Law System: Final Report*, 400

<sup>15</sup> Parliament of the Commonwealth of Australia, House of Representatives Standing Committee on Social Policy and Legal Affairs. (December 2017). *A better family law system to support and protect those affected by family violence: Recommendations for an accessible, equitable and responsive family law system which better prioritises safety of those affected by family violence*, 51.

<sup>16</sup> See further: [http://www.wlsa.org.au/uploads/campaign-resources/Safety\\_First\\_in\\_Family\\_Law\\_Plan.pdf](http://www.wlsa.org.au/uploads/campaign-resources/Safety_First_in_Family_Law_Plan.pdf)



In order for the Family Law system to meet the needs of Aboriginal and Torres Strait Islander people affected by family violence – predominantly women and children – the system needs to understand and be responsive to the historical and ongoing inter-generational trauma experienced by Aboriginal and Torres Strait Islander people since first colonisation. This includes the profound intergenerational grief and trauma caused by the Stolen Generations and ongoing disproportionate rates of forced child removal within Aboriginal and Torres Strait Islander families. The ongoing association or conflation of the family law system with ‘welfare’ or child protection jurisdictions, and the fear of child removal as a result of family law proceedings, creates an enormous barrier to Aboriginal and Torres Strait Islander families accessing the family law system.<sup>17</sup>

Our Watch supports the detailed recommendations made by the National FVPLS Forum in their submissions to the Australian Law Reform Commission,<sup>18</sup> which set out the importance of family law system reforms being undertaken in genuine partnership with Aboriginal and Torres Strait Islander people:

Any changes and reforms directly impacting Aboriginal and Torres Strait Islander people must be made in genuine partnership and consultation with Aboriginal and Torres Strait Islander communities and their representative bodies including Aboriginal and Torres Strait Islander Community Controlled Organisations, ensuring that the voices and unique perspectives of Aboriginal and Torres Strait Islander women are heard and understood.<sup>19</sup>

**Our Watch recommendation 2: Engage in genuine partnership with Aboriginal and Torres Strait Islander communities, their representative bodies, and Aboriginal and Torres Strait Islander Community Controlled Organisations to design family law system reforms which promote the safety of Aboriginal and Torres Strait Islander women and their children**

### **Professionals in the family law system**

Ensuring family law professionals have real understanding of violence against women is particularly important, to ensure that all involved in the family law system have the relevant and necessary expertise.

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<sup>17</sup> National Family Violence Prevention Legal Services Forum. (May 2018). Submission to the Australian Law Reform Commission – Review of the Family Law System Issues Paper, 2. Accessed:

[https://www.nationalfvpls.org/images/files/NFVPLS\\_Submission\\_to\\_ALRC\\_Family\\_Law\\_Review\\_May\\_2018\\_FINAL.pdf](https://www.nationalfvpls.org/images/files/NFVPLS_Submission_to_ALRC_Family_Law_Review_May_2018_FINAL.pdf)

<sup>18</sup> Ibid; National Family Violence Prevention Legal Services Forum. (November 2018). Submission to the Australian Law Reform Commission – Review of the Family Law System Discussion Paper. Accessed:  
[https://www.nationalfvpls.org/images/files/20181130\\_National\\_FVPLS\\_Forum\\_Submission\\_to\\_the\\_ALRC\\_Family\\_Law\\_Review\\_Discussion\\_Paper.pdf](https://www.nationalfvpls.org/images/files/20181130_National_FVPLS_Forum_Submission_to_the_ALRC_Family_Law_Review_Discussion_Paper.pdf)

<sup>19</sup> National Family Violence Prevention Legal Services Forum. (May 2018). Submission to the Australian Law Reform Commission – Review of the Family Law System Issues Paper, 12. Accessed:  
[https://www.nationalfvpls.org/images/files/NFVPLS\\_Submission\\_to\\_ALRC\\_Family\\_Law\\_Review\\_May\\_2018\\_FINAL.pdf](https://www.nationalfvpls.org/images/files/NFVPLS_Submission_to_ALRC_Family_Law_Review_May_2018_FINAL.pdf)



The Australian Law Reform Commission identified that relevant gaps in legal practitioner capability include judgemental attitudes and lack of consistency; lack of confidence in detecting and responding to safety issues; and inadequate understandings of the dynamics of family violence and its impact on victims.<sup>20</sup> The Victorian Royal Commission into Family Violence highlighted the experience of victims of family violence who “told the Commission that allegations of family violence are given insufficient weight and consideration by the courts (predominantly the federal family courts), by lawyers, and by family court consultants”.<sup>21</sup>

Previous inquiries have identified the need for better training relating to family violence and the implementation of requirements to engage in training for all professionals in the family law system.<sup>22</sup> Our Watch supports these recommendations, and the urgent need to increase the capacity of all professionals working the family law system on matters relating to family violence.

In addition to including content on the dynamics of family violence, training and professional development should include content that more broadly addresses the myths and misconceptions that currently exist within the family law system and our society more broadly. Namely, in order to address the underlying drivers of violence against women (as detailed in this submission), training should address the nature of gender inequalities in our society and challenge gender stereotypes. All training and professional development should be delivered by people who has expertise in violence against women and gender equality.

Training and professional development relating to family violence, violence against women and gender equality should be ongoing for all professionals working in the family law system. Ongoing engagement in training and education on these topics is crucial to developing a deep, nuanced and evidence-based understanding of the relevant issues.

Our Watch also supports the detailed recommendations made by the National FVPLS Forum to the Australian Law Reform Commission’s discussion paper on the family law system relating to training for professionals in the family law system.<sup>23</sup> The National FVPLS Forum has also emphasised the importance of employing Aboriginal and Torres Strait Islander women within the family law system:

The National FVPLS Forum stresses the importance of employing, training and building the capacity of Aboriginal and Torres Strait Islander staff at every level of the family law

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<sup>20</sup> Australian Law Reform Commission. (2019). *Family Law for the Future – An Inquiry into the Family Law System: Final Report*, 406.

<sup>21</sup> Royal Commission into Family Violence. (March 2016). *Report and recommendations*, Vol IV, 198.

<sup>22</sup> Australian Law Reform Commission. (2019). *Family Law for the Future – An Inquiry into the Family Law System: Final Report*; Parliament of the Commonwealth of Australia, House of Representatives Standing Committee on Social Policy and Legal Affairs. (December 2017). *A better family law system to support and protect those affected by family violence: Recommendations for an accessible, equitable and responsive family law system which better prioritises safety of those affected by family violence*.

<sup>23</sup> National Family Violence Prevention Legal Services Forum. (November 2018). Submission to the Australian Law Reform Commission – Review of the Family Law System Discussion Paper. Accessed: [https://www.nationalfvpls.org/images/files/20181130\\_National\\_FVPLS\\_Forum\\_Submission\\_to\\_the\\_ALRC\\_Family\\_Law\\_Review\\_Discussion\\_Paper.pdf](https://www.nationalfvpls.org/images/files/20181130_National_FVPLS_Forum_Submission_to_the_ALRC_Family_Law_Review_Discussion_Paper.pdf)

system... Without significant and sustained investment in the Aboriginal and Torres Strait Islander workforce, in addition to mechanisms to improve cultural awareness for all family law professionals, the cultural safety framework will be unable to achieve meaningful and positive change for Aboriginal and Torres Strait Islander people using the family law system.<sup>24</sup>

**Our Watch recommendation 3: All professionals working in the family law system should have access to high-quality and best-practice ongoing training and professional development, both on the gendered dynamics and impacts of family violence and on gender equality more broadly**

**Our Watch recommendation 4: Adopt the recommendations made by the National FVPLS Forum on core competencies for professionals working in the family law system and employment of Aboriginal and Torres Strait Islander people at all levels of the family law system**

## Moving forward

The Fourth Action Plan of the National Plan to Reduce Violence against Women and their Children sets out the commitment of Commonwealth, state and territory governments to ending violence against women and their children and promoting gender equality. The Action Plan includes the following principles which are relevant to family law system reform:<sup>25</sup>

- We must address gender inequality to stop violence – women will never be safe if they are not equal
- We must address the diversity and lived experiences of women and their children affected by violence
- Actions must be evidence-based and help build an understanding of what works to respond effectively to, and prevent, violence against women and their children
- System and service responses must work to end the cycle of violence, keep people safe and prevent domestic, family and sexual violence

National priority five in the Fourth Action Plan is to improve support and service system responses. All governments have committed to working to “improve service responses to ensure women and their children have access to help when they need it. This includes improving how violence is reported and identified, and reducing the stigma associated with seeking support.”<sup>26</sup>

This Action Plan provides a strong foundation and impetus for implementing reforms to the family law system that focus on ensuring the safety and accessibility of the system for women who have experienced violence, and building women’s trust and confidence in the system as one in which they will be respected and supported.

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<sup>24</sup> Ibid, 66.

<sup>25</sup> Fourth Action Plan of the National Plan to Reduce Violence against Women and their Children (2019-2022), 18.

<sup>26</sup> Ibid, 35.