

MEDIA RELEASE

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Better access to justice for family violence victims

Women's Legal Services Australia (WLSA) and the National Association of Community Legal Centres (NACLC) welcome the commencement of new Victoria Legal Aid family law trial funding guidelines which allow vulnerable clients with safety concerns to be represented by a lawyer at a final hearing in parenting disputes, whether or not the other party has representation.

"The previous guidelines often left women who had experienced family violence without the protection of a lawyer in parenting disputes. This is particularly concerning where women might be personally cross-examined by their perpetrator in court" said Joanna Fletcher spokesperson for WLSA.

"Many women are too intimidated to continue with their case without a lawyer and we have seen cases settled in circumstances that may have been unsafe and not in the best interests of the child", Ms Fletcher said.

The change in guidelines will ensure more people who have experienced family violence will have access to legal representation in parenting matters. This is particularly important given that the "effects on children of being exposed to family violence are the same as if the child was directly abused, and women and children need lawyers to help make these arguments for protection" said Ms Fletcher.

While the change is welcome, it only applies in situations where:

- the police are involved and there has been a charge or conviction for a family violence-related offence, or a conviction recorded for breach of an intervention order, or
- the victim's relocation has involved or been endorsed by a statutory agency, or been permitted under a court order.

WLSA and NACLC call on other Legal Aid Commissions to follow the Victorian example and ensure funding guidelines provide for clients with safety concerns to be represented by a lawyer at a final hearing in parenting disputes, whether or not the other party has representation.

WLSA and NACLC also call on the Australian Government and other state and territory governments to ensure provision of sufficient resources to Legal Aid Commissions to provide such assistance and emphasise the importance of adequate funding for all legal assistance service providers, particularly where the provider assists victims of family violence. WLSA and NACLC also support amendment of the *Family Law Act 1975* (Cth) to introduce vulnerable witness protections to prevent victims of family violence being directly cross-examined by the perpetrator of that violence.

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