

Submission
No 2

INQUIRY INTO DOMESTIC VIOLENCE TRENDS AND ISSUES IN NSW

Organisation: NSW Law Reform Commission

Date received: 12/08/2011



10 August 2011

The Hon Niall Blair MLC
Chair, Standing Committee on Social Issues
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr Blair

I write in response to your invitation to make a submission to your Committee's Inquiry into Domestic violence trends and issues in NSW.

By way of submission, I would like to draw your attention to our report, made jointly with the Australian Law Reform Commission, entitled *Family Violence – A National Legal Response*. I enclose a full copy of the report on DVD.

In our Report we take a 'helicopter view' of a very complex system. Our aim was to develop recommendations to enable people dealing with family violence to have a seamless engagement with the legal system instead of being referred from court to court, and agency to agency, minimising the risk that they may fall between the gaps in the system and not obtain the legal protections they require. The report responds to a clear government goal of reducing violence.

Recommendations are focused on improving safety through:

A common interpretative framework—establishing a shared understanding of what constitutes family violence across relevant legislative schemes.

Corresponding jurisdictions—expanding the jurisdiction of courts dealing with family violence to maximise the chance that families will be able to get all the legal protections they need from any court they approach.

Specialist family violence practice—fostering expertise within magistrates courts with staff who understand the dynamics of family violence and the complex array of legislation that applies.

Improving police and prosecutorial practice—to produce safe, fair and just outcomes for victims.

Integrated responses—ensuring that the many services needed by those who suffer family violence work together, building a better and shared understanding of violence and a national system of registration of family violence orders.

Alternative dispute resolution—developing ADR responses, but with careful and appropriate protections for those who are the victims of violence.

Training and information—underpinning legal changes by better understandings of family violence across the whole system, including a national family violence bench book and a national register of relevant orders.

I trust this will be of assistance to you.

Yours sincerely

Professor Hilary Astor
Commissioner