

OPEN LETTER – CALL TO PROTECT FAMILY VIOLENCE VICTIMS IN FAMILY COURTS

MEDIA TALKING POINTS

To assist organisations to engage with the media on this issue, below is a summary of the main points on the issue, some tips to personalize your media release and a list of signatories to the letter.

- A group of leading national organisations and networks are calling on the Turnbull Government to introduce new laws to protect family violence victims from being directly cross-examined by their abuser in family court hearings.
- Currently, the family law system has no legislative protections prohibiting an unrepresented perpetrator of family violence from directly cross-examining their victim.
- This issue is of grave concern because it is another way the legal system fails to keep women and children safe.
- The fear of direct cross-examination makes it even more difficult for victims in high risk groups, such as Aboriginal and Torres Strait Islander women, women who are newly arrived and women with disabilities, to access the family law system.
- Across Australia, states and territories have put in place laws to stop direct cross-examination in sexual offence trials and domestic violence intervention order hearings. The federal family courts have fallen behind other jurisdictions in recognizing the fear and re-traumatisation direct cross-examination can cause.
- A recent scoping survey by Women's Legal Services Australia (WLSA) identified over 250 women who were either cross-examined by their abusive ex-partner or settled their case before trial because of the fear of being cross-examined.
- The issue has gained wide spread community support with a victim of family violence, Eleanor, launching a petition that has gained over 4000 signatures.
- The Hon Cathy McGown MP, member for Indi, introduced a motion in Federal Parliament on 19 October 2015 calling for a new law to protect victims.
- The Productivity Commission, in its September 2014 report, *Access to Justice Arrangements*, recommended the *Family Law Act 1975* be amended to include legislative protections prohibiting cross-examination of vulnerable witnesses.
- The Turnbull Government has an opportunity to build on its current commitment to improving support to family violence victims by addressing this important area of reform.

Why is this issue important to the community, individuals or organisations that you represent?

How will reform in this area make a difference to those you represent?

The signatories to the joint letter are:

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