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**Senator The Hon. Zed Seselja**

Assistant Minister for Treasury and Finance

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Thursday 31 January 2019

**Pre-Budget Submission regarding Priorities for 2019-2020 Budget**

*Provision for Women’s Services operated by Women for Women*

Feminist Legal Clinic Incorporated is a community legal service based in Sydney that works to advance the human rights of Australian women and girls through a combination of targeted casework, community legal education and law reform work.

We welcome the opportunity to make this submission in relation to the priorities for the 2019-2020 Budget. We are conscious that substantial submissions will be received from more established organisations, so we will confine ourselves to one area in which significant benefits for women could be achieved for a relatively small spend.

***Law, Courts and Justice, Legal Aid and Family Law***

There is a high level of continuing community concern in relation to the failings of the Family Court to keep women and children safe, as poignantly illustrated by the recent suicide of Olga Edwards following her children’s murder by their father. While adequate funding of Legal Aid services is essential and urgently needed, it does not substitute for involvement by dedicated and experienced women providing women’s services in the Family Courts, where violence against women is a major element in most cases being litigated.

We draw your attention to the crisis in funding currently being experienced by the Women’s Family Law Court Support Service (WFLCSS), which was originally established as a joint project of the Sydney Registry of the Family Court and the NSW Women’s Refuge Movement. An evaluation of the service conducted in 2011 by Dr Lesley Laing of the University of Sydney was entitled “*They should have this in every court*”. It was launched by Professor Rosalind Croucher, then President of the Australian Law Reform Commission who recommended the expansion of the service.[[1]](#footnote-1)

However, despite the ongoing support of the legal profession and the community and of the Sydney Registry of the Family Court that provides the office space for this service, continued funding of the WFLCSS is under threat and is due to come to an end on 30 June 2019. In 2017 the NSW Attorney General thankfully stepped in at short notice to stop gap fund this important service but has indicated ongoing funding may be a Federal rather than a State responsibility due to the Family Court location.

The WFLCSS is one small but vital service and can be saved with funding of less than $150,000 per annum. Over 5 years, that is an amount of $750,000. As a point of comparison, this amount is less than the Australian Institute of Sport invests in a single year in the sport of boxing. [[2]](#footnote-2) Ideally a service of this type providing a safe room and specialist female support staff should be standard in Family Courts throughout Australia.

**BUDGET: $150,000 pa x 5 years = $750,000**

***Family and children support services and Preventing Domestic Violence***

WFLCSS was a near casualty of the dismantling of the NSW Women’s Refuge Movement in 2014 by NSW Family & Community Services under the notorious “Going Home, Staying Home” reforms. As part of this program, well-functioning women’s refuges that had been established by feminists in the 1970s were tendered out and had their management signed over to larger agencies, most commonly religious charities. While the NSW Government claims there are just as many beds available for women and children now, many of the refuges have been converted into generic homelessness services, accommodating those with mental health and substance abuse issues and often men as well as women. These services no longer provide appropriate specialist accommodation for women and children fleeing domestic violence.

To comply with its international human rights obligations, Australia must recognise the important role of the women’s movement and facilitate and enhance their work by ensuring there is adequate availability of women-only and women-led support services for victims of male violence.[[3]](#footnote-3) Women need access to refuges and other domestic violence support services managed and staffed exclusively by women and specifically focused on women and children fleeing domestic violence, The Commonwealth Government must provide dedicated and segregated national funding for this purpose to ensure that State government policy takes proper account of the safety needs of women and children and that they act in accordance with Australia’s international human rights obligations in this area.

***Budget Processes***

We also support calls for the reintroduction of a women’s budget analysis as an element of the budget papers to ensure that the implications of Government policies on the lives of women and girls are being specifically considered. We would also suggest that independent women’s organisations such as the National Foundation for Australian Women and the National Council for Single Mothers and their Children should receive regular payment for their work in this area, much of which is being carried out by volunteers.

Thank you for the opportunity to provide this brief submission. We would be very happy to meet and discuss any element of it further.

Yours faithfully



Anna Kerr

Principal Solicitor.

1. https://www.alrc.gov.au/news-media/2011/%E2%80%98they-should-have-every-court%E2%80%99-womens-family-law-support-service-evaluation [↑](#footnote-ref-1)
2. <https://www.sportaus.gov.au/__data/assets/pdf_file/0007/677194/35249_Investment_Summary_18-19_fact_sheet_v4.pdf> [↑](#footnote-ref-2)
3. United Nation’s Committee for the Convention of All Forms of Discrimination against Women (CEDAW), Concluding Observations on the Eighth Periodic Report of Australia in July 2018;

   *Declaration on the Elimination of Violence against Women*, Article 4 (o) and (p) [↑](#footnote-ref-3)