

**WHOSE LIFE IS IT ANYWAY? LEAVING A VIOLENT ABUSER: THE SEQUEL**  
**BOOK LAUNCH BY**  
**HER EXCELLENCY THE HONOURABLE BARBARA BAKER**  
**GOVERNOR OF TASMANIA**  
**10<sup>th</sup> HOBART SCOUT HALL, 5.30 PM WEDNESDAY 30 JUNE 2021**

Thank you very much Deborah for inviting me to speak at the launch of your book, *Whose Life is it Anyway? Leaving a Violent Abuser: The Sequel*. Thank you also to Bronwyn Chalke and staff for hosting this launch.

I would like to begin by paying my respects to the traditional and original owners of this land— the palawa people. I acknowledge the contemporary Tasmanian Aboriginal community, who have survived invasion and dispossession, and continue to maintain their identity, culture and Indigenous rights.

My background is a family lawyer having practised predominately in family law for around 17 years in private practice and then at the Tasmanian Independent Bar as a barrister for around 18 months before commencing as a judicial officer in 2008.

Family violence is a common experience among separated couples, so most parenting matters that came before me involved allegations of family violence.

Deborah's experience of the court system was a terrible one, her proceedings being painful, protracted and costly.

Sadly, her experience is not an uncommon one.

In 2020, the Australian Institute of Judicial Administration funded the preparation of a National Domestic and Family Violence Bench Book. This provides background information and knowledge supported by research and is used for most of the training of judicial officers in Australia. The researchers pointed out the obvious, that the experience of the court processes is improved where the judicial officer has a good understanding of domestic and family violence. To quote from the Bench book:

*“Judicial behaviors may have the effect of either exacerbating a victim’s experience of family violence or helping to empower a victim to regain control of their circumstances, wellbeing and future. Respectful and inclusive approaches may positively affect a victim’s mental health as well as their sense of satisfaction with the court processes.”*

End of quote.

Researchers found that common complaints of victims of family violence were:

Firstly, in respect of judicial conduct of the proceedings:

a sense of limited opportunity to speak and be heard;

a sense that abuse was minimised, denied or made light of, or of being blamed for abuse, a sense of being on trial;

a sense that a greater concern for the perpetrator than for the protection of the victim and children, and that the perpetrator not being held accountable for actions.

And

Secondly, in respect of the Courthouse and courtroom:

a sense of intimidation arriving at court;

lack of safety;

fear of actual confrontation with perpetrator/family and friends;

long waiting times;

lack of facilities /services for children, or people with special needs, such as appropriate space or access;

lack of information about processes and options;

bureaucratic and indifferent treatment by court staff.

Many of these complaints are similar to Deborah's complaints about the process.

During my 12 years on the Court, many changes were made to try to improve the system for litigants, including:

- (1) A requirement to file a Notice of Risk, which includes the allegations of family violence, requiring the court to take prompt action, including making orders and gathering information.
- (2) Improvements in information sharing between courts and child welfare agencies and the Police, with regular meetings with the Department and communication with Tasmania Police. This is important because research has found that gaps in protection may reflect gaps in the flow of information, between the family law system, the family violence system and the child welfare system. A police liaison officer attends court during the duty list and the Department of Communities Tasmania liaison officer is a contact for the Court.
- (3) Safety plans to ensure that victims of family violence and perpetrators do not come face to face, so that a victim could arrange to attend court by telephone or video or give evidence by video link from a safe room or from another court.
- (4) A ban on cross-examination of a victim by the perpetrator, so that a lawyer is appointed by the Legal Aid Commission to cross-examine on behalf of the perpetrator.
- (5) The start of the Lighthouse pilot project, which involves an early screening process for risk, with a primary focus on improving outcomes for families involved in the family law system. There is a triage process with registrars, family consultants and support staff with detailed knowledge in family violence and family safety risks.
- (6) The publication of the revised "Family Violence Best Practice Principles", following a number of reports related to family violence. This provides a checklist of matters to which judges, court staff, legal professionals and litigants may wish to refer. The latest amendments, and I quote: *"highlight the fact that victims of family violence are often traumatised*

*and vulnerable witnesses-and explain the various means of protection available to judges hearing those cases.”*

End of quote.

- (7) A lawyer from the Family Advocacy and Support Service attends duty lists to assist litigants who have been affected by family violence. A FASS social worker is also available to provide support before, after and during court.
- (8) Specialist training about family violence is compulsory for judicial officers, registrars and court staff to equip them to identify and manage risk, and protect children and victims in need of the courts' assistance.

In my work as a judge, I did my best to ensure that safety plans were in place and to ensure respectful demeanour in the court, and I emphasised that violence and abuse would not be tolerated. I routinely included in my judgments references to decisions about the impact of family violence upon children in the care of victims of family violence.

While the family law system is working to improve its responses to family violence, changes in behaviours and power imbalances that lead to violence against women and children need to occur in the community. There is national recognition of the need for primary prevention of violence against women and children.

In 2015 Our Watch, a national leader in the primary prevention of violence against women and children, together with ANROWS, Australia's National Research Organisation for Women's Safety, and Vic Health, in 2015 published *Change the Story*, a shared framework for the primary prevention of violence against women and their children in Australia.

Change the Story provides an evidence-based framework for action in prevention, based on awareness of how gender inequality contributes to violence against women. Our Watch provided input and expert advice to the Tasmanian Government for the next family violence action plan, "Safe Homes, Safe Families", and new sexual violence plan. I am informed that the State Government has a contract with Our Watch to provide family violence training for its departments.

Our Watch helpfully identifies actions that will prevent violence against women. They:

challenge the condoning of violence against women;

promote women's independence and decision-making;

challenge gender stereotypes and roles;

strengthen positive, equal and respectful relationships; and

promote and normalise gender equality in public and private life.

In conclusion, it is imperative that those who work in the family law system, the support services, police and our educators continue to work on primary prevention of family violence. This of course depends on adequate funding.

I thank Deborah for sharing her disturbing and harrowing personal experiences of the family law system in her book and for her suggested improvement for victims of family violence.

And I thank you for inviting me to speak tonight.