

# Minutes of Meetings of Canberra Trip with Politicians in May 2004

## 1. **Meeting with Nationals MP Kay Hull, May 11, 2004**

Ms Hull was the Chair of the inquiry that produced the report 'Every Picture tells A Story.' She is therefore very pro the Tribunal to replace the Family Law Court and proposes one entry point.

Whilst Ms Hull constantly reiterated to us that women and children escaping domestic violence were one of the major considerations of the standing committee, she also stated that women took out AVOs vexatiously to gain advantage in the Family Law Court. She also seemed more concerned that men may not be aware of their parental rights in relation to Family Law.

Trying to offset the imbalance in the report, Ms Hull's view of the Tribunal was that it would replace any other entry into the Family Law Court and would include the following three processes:

1. The first entry point would be an administrative office based in Centrelink or Medicare premises. The role of their administrative office would be to give information and to fill out a tick box style application outlining their Family Law Court needs.

*In response: We raised concerns re the screening for domestic violence through this process as research shows that women often do not initially disclose domestic violence and that many women and children in domestic violence situations are hoping to resolve child residency and contact orders as peacefully as possible.*

2. If a woman does disclose in the tick box that there is domestic violence or child abuse etc., an investigative panel will be formed to meet the needs of each individual case. Hull was patchy on who the panel members might be, though she did repeat police and DOCS workers would be involved. The investigative panel would determine whether they thought claims of domestic violence and/or child abuse were legitimate. If deemed legitimate, the case would be referred to the Family Law Court. If not, the third process would take place and the case would be referred to the Tribunal.

*In response: We reiterated our concerns re women not disclosing from the outset and the makeup of the investigative team. We suggested that if the Tribunal did go ahead, that it be appropriate for delegates of the Women's Refuge Movement be part of the investigative team. Hull agreed this would be appropriate and asked the WRM to develop a process for screening domestic violence for the Tribunal.*

### 3. Tribunal

## **2. Meeting with Jan Hirst and Bernard Gallard - Advisors to Nationals MP John Anderson, May 12**

Jan Hirst, Women's Advisor to John Anderson, was very receptive to our presentation.

Jan asked questions regarding how the recent Brisbane tragedy where Jayson Dalton killed his two young children and then himself could have been prevented.

Jan was particularly interested in the lack of funding for refuges over the last decade, especially given the increase in demand.

She was also interested in the fact that refuges sat within a homelessness framework.

Jan requested that we write to John Anderson outlining statistics of how many women and children are turned away from refuges, and raising the issues of domestic violence and homelessness. Jan stated that she would advocate on our behalf for an increase in funding for refuges.

### **3. Meeting with Australian Democrats Senator Natasha Stott-Despoja and Adviser, Rayner, May 12**

Natasha commented on the effectiveness of the men's groups regarding the joint custody bill. The input on the issue was imbalanced due to the over representation of the men's groups position.

Discussed the Women and Safety Report: There has been a push for men to be included, but it is important to keep it along the same lines as in the 1996 Women and Safety Report to enable us to do comparisons.

Recent inquiry into Legal Aid: The report was not publicly released. Commented on the overwhelming evidence that women were not getting adequate assistance or Legal Aid in relation to domestic violence in the Magistrates Court and the Family Law Court.

Natasha was supportive on all of the issues and is willing to represent our interests. She encouraged us to meet with party leader, Andrew Bartlett: Which she arranged.

**4. Meeting with Labor MP, The Honorable Nicola Roxon and Advisor, Chris Black, May 11**

Nicola was very receptive to the presentation and the issues.

She was interested in finding out where some of the evaluations of the government's PADV projects might be. Nicola has been lobbying for the government to implement the findings of PADV, but has had difficulties getting copies of the evaluations – government keeps saying that they are not available.

Nicola also commented on the lack of Legal Aid for women escaping domestic violence and felt that there should be a priority for legal representation in such circumstances. She asked whether we would support Commonwealth funds being made available to Legal Aid.

Nicola also commented that men who suicide in response to Family Law issues receive more attention than when women are murdered.

Really pleased we had come to lobby and encouraged us to return.

**5. Meeting with Australian Democrats Senator Brian Greig and advisor, Dr Graham, May 11**

Brian Greig stated that the government had more pressing bills to get through Parliament prior to an election and that he didn't think that the Tribunal, the 50/50 or the recommendations of the report would make it back onto the table before an election. He also stated that Government often doesn't respond to reports.

Legal Aid inquiry: Brian Greig was on the committee looking into the issue and stated that one of the findings was how many women were going through the Family Law Court without legal representation. However, he didn't think the government would put any more money into Legal Aid.

## **6. Meeting with Labor MP Lindsay Tanner, May 11**

Lindsay was supportive of the Tribunal for low to middle level disputes. He gave the example of two parents who already had sorted out access and residency of their 12 yr old daughter. One parent wanted the daughter to catch a train to their place by herself on Friday pm. The other parent thought it was completely unsafe and would not agree to it. This meant the child couldn't go to the access visit. This sort of case, he thought, was suitable for the Tribunal – The Family Law Court takes too long and the time delay in resolving the dispute could have a detrimental effect on the relationship.

He discussed the issue of child support in relation to men hiding money or not making payments. He recognised the inadequacies of the Family Law Court.

Lindsay also recognised the need for the Tribunal to define its structure, rights and functions for dealing with so many diverse issues.

Lindsay was supportive of the Family Law Court having proper processes and training to deal with domestic violence.

**7. Meeting with the Leader of the Australian Democrats,  
Senator Andrew Barlett, May 12**

This was a last minute meeting encouraged and arranged by Natasha Stott-Despoja.

Andrew felt that it was very unlikely that the Tribunal would get up.

He also thought there was a need to lobby for increased Legal Aid funding.

Andrew expressed a concern regarding the attitude of the men in the men's groups.

Andrew encouraged us to keep in contact with Natasha Stott-Despoja.

Quote of the trip: Sally discussed teaching children to deal with things in a non-violent manner and cited the increasing difficulty achieving this the older the child gets and the longer they have lived in a violent home.

Quote: She asked Andrew Bartlett: 'You wouldn't hit a colleague if you didn't like what they said, would ya?'

**8. Meeting with Labor Women's Caucus: Trish Crossin, Chair; Clare Moore (Qld), Tanya Plibersek (NSW) and several others, May 13**

Very responsive to the issues, but hadn't put a lot of thought into the issues surrounding the Tribunal.

The caucus was interested to know what areas of the Family Law Court need to be strengthened to make it safer.

They were also interested to hear about the alternative decision making process in the New Zealand Family Law Court where to be awarded custody, all concerned must prove the child(ren) will be safe in their care. There was also a bit of interest in what position the men's groups in New Zealand held with regards to this legislation.

The caucus also commented on how the Australian media showed a bias towards the position of the men's groups, e.g., covering cases where men are protesting at how unfair it is they can't see their kids without asking why that decision was made.

Stated that Jenny George and Roger Price were of the opinion that only lawyers win in the Family Law Court and this is why they find the Tribunal an attractive proposition.

The caucus also questioned the men's groups' claims of statistics showing that women commonly take out vexatious AVOs. They wanted to know where those statistics came from and how they were collected.

There was a very positive response from the caucus and they encouraged us to visit again and raise our issues. Tanya Plibersek has offered us the use of her office as a base if we choose to go again.

## **9. Meeting with Labor MP Carmen Lawrence**

Carmen thought it was good that we were there lobbying and appreciated the work that the women's refuges do. She offered to help us with media contacts and to support our issues.

Stated that she was unsupportive of the Tribunal and 50/50 shared residency.

She was interested in what Nicola Roxon thought.

Carmen thought it was important that we go and see Phillip Ruddock and ask what he was proposing for the future.

Stated that she was surprise that there was not a proper investigation and more media coverage of the Dalton case.

**10. Meeting with Greens Senator Kerry Nettle and Advisor,  
Elise Staples, May 13**

If the Tribunal issue gets up again, they said they would push for a public consultation regarding the issue.

Promised to put forward questions regarding the government's intentions with regards the PADV findings.

Kerry was also supportive of a new women's safety survey.

**11. Meeting with Lyn Allison, Deputy Leader of Australian Democrats, May 13**

Lyn was not very responsive to the issues.

She commented that it was inappropriate and short sighted for refuge workers having to support women through the Family Law Court.

Playing Devil's advocate, Lyn stated that, having seen the reports re the Dalton case, that it could be argued that if the Family Law Court had awarded 50/50 joint custody, then this tragedy may never have happened.

The meeting was cut short because she was called into Parliament House.

## **12. Meeting with General issues raised that could be addressed in the letters**

Tribunal and how concerns re screening process – as part of this provide evidence against myth of vexatious AVOs (Project Magellan evaluation)

Refuges require more funding: No increases in funding to cover higher demand.

Increase in Legal Aid funding: Recent inquiry into Legal Aid showed overwhelming evidence that women were not getting adequate assistance and Legal Aid.

### **More specific issues to raise in particular letters**

Letter to Kay Hull: Reiterate that women do not often disclose domestic violence and that refuge workers would be well placed on the investigative panel.  
: Were asked to develop a screening process.

Letter to John Anderson: outline turn away statistics and raise issues of domestic violence. Jan will advocate for increased funding for refuges

Letter to Nicola Roxon: Remind her of her commitment to lobby for increased Legal Aid funding with Federal funds