

Consistent definition of family violence

The ALRC/NSWLRC Final Report on *Family Violence – A National Legal Response* (October 2010) recommended that a consistent definition of 'family violence' be applied as part of a "common interpretative framework" across state and territory family violence legislation.

The Government responded to the Final Report's recommendations by amending the *Family Law Act 1975* (Cth) to include a new definition of 'family violence' that substantially reflects the proposed definition in the Final Report.¹

Further to this, the ALRC's 2011 Discussion Paper on *Family Violence – Commonwealth Laws* proposes that a single, consistent definition of 'family violence' be applied across federal laws.

Neutral formulation of the protected attribute

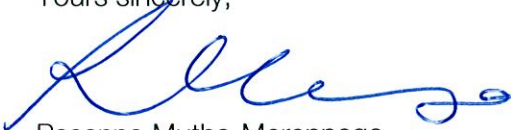
With respect to the formulation of the protected attribute, we consider a more neutral formulation may be appropriate given that individuals may not necessarily identify as a 'victim' or a 'survivor' of family violence.

The phrase 'status as a victim' is also not well suited to describing the particular characteristic as it suggests that the individual is in some way differently placed in society because he or she has experienced family violence.

Instead, a formulation such as 'a person who has experienced or is experiencing family violence' may be more appropriate.

We wish you well in finalizing the review. If you wish to discuss the issues raised in this letter in further detail, please do not hesitate to contact me on (03) 9642 0877.

Yours sincerely,



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¹ Family Law Legislation Amendment (Family Violence and Other Measures) Act 2011 (Cth)