



**VICTORIAN
WOMEN
LAWYERS**

SUBMISSION TO THE VICTORIAN LAW REFORM COMMISSION

REVIEW OF FAMILY VIOLENCE INTERVENTION ORDERS FOR CHILDREN & YOUNG ADULTS

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Submission

About Victorian Women Lawyers

Victorian Women Lawyers (VWL) is a voluntary association that promotes and protects the interests of women in the legal profession. Formed in 1996, VWL now has over 800 members. VWL provides a network for information exchange, social interaction and continuing education and reform within the legal profession and broader community of women lawyers.

Since 1996, VWL has advocated for the equal representation of women at all levels of the legal profession and has promoted the understanding and support of women's legal and human rights by identifying, highlighting and eradicating gender-based and sex-based discrimination, to achieve justice and equality for all women.

Details of our publications and submissions are available at www.vwl.asn.au.

Introduction

Victorian Women Lawyers appreciates the opportunity to make a submission to the Victorian Law Reform Commission's review of Family Violence Intervention Orders (FVIO) for Children and Young Adults.

As an organisation of women lawyers, VWL's submission focus is the promotion and support of women's legal and human rights, including the advancement, inclusion and equality of people who identify as women and gender diverse.

Executive summary

Women and children are disproportionately impacted by family and domestic violence. In many instances, victims find that the justice system fails to protect them. Further reforms are needed to ensure adequate protection.

Family violence can occur in any intimate relationship, in any community, to people of any age, ability, sexuality, status, gender, race, culture or ethnicity, regardless of whether the parties are currently in a relationship or post-separation. Experiences of family violence differ from person to person and family to family. Family violence often commences from something small and escalates over time.

Children who experience family violence, whether directly or by exposure, should be recognised as victim-survivors in their own right. This recognition involves incorporating children's experiences into legal definitions, ensuring their safety and wellbeing are prioritised in all decisions, and enabling their voices to be heard in age-appropriate ways. It requires access to trauma-informed, child-specific support services, the inclusion of children in risk assessments and safety planning, and a commitment to training professionals to respond sensitively and effectively.

Our submissions stresses the importance that the FVIO system should only be utilised for conduct that constitutes domestic violence at law and not in instances where culturally accepted, non-abusive discipline or parental authority is misconceived to be domestic violence. It is essential that the FVIO system caters for the nuances between disciplinary parenting and domestic violence.

Family violence causes significant short-and long-term harm to children's emotional, psychological, and physical wellbeing. Despite this, children's experiences are frequently minimised or overlooked. Formal recognition ensures their safety, voices, and recovery needs are prioritised.

Our submission is informed by our professional observations.

Recommendation

We recommend prioritising the voices and experiences of children and young adults when reviewing the Family Violence Intervention Order (FVIO) system and potential changes to legislation. The practical barriers the children face when seeking protection and support should be considered.

Many young people have shared that the formal processes involved—such as attending Court or speaking to police—can be intimidating, confusing, and retraumatising. There is often limited support available that is specifically tailored to their developmental stage or emotional needs. Some children feel that their concerns are not taken seriously or that their voices are overlooked in favour of adult perspectives.

Australia's ongoing multicultural growth brings a rich diversity in parenting values, family dynamics, and disciplinary approaches.

Many culturally and linguistically diverse (CALD) communities strongly emphasise raising children with discipline, respect for elders, and collective family responsibility. These values may, at times, be misinterpreted by adolescents growing up in a different cultural and legal environment.

There is a growing concern that, in some cases, adolescents may seek to invoke the FVIO process against parents in situations where the conduct does not constitute family violence but reflects culturally accepted, non-abusive discipline or parental authority.

While ensuring children are protected from genuine harm is critical, it is equally important to avoid unintended consequences that may unfairly criminalise culturally appropriate parenting or unnecessarily disrupt family unity.

VWL makes the following recommendations:

1. Accessible information tailored to different age groups, for example, 10 – 13 years, 14 – 16 years and 17 – 18 years, should be made available to those groups, explaining their rights, the FVIO process, and available support services.
2. Trained professionals with expertise in child and youth welfare should be made available to guide young people throughout the process, including during police interviews, Court appearances, and ongoing safety planning.
3. The police should have a separate unit in the Family Violence Team to deal with young children's FVIO applications, like the Sexual Offences and Child Abuse Investigation Team (SOCIT).
4. Child-friendly and trauma-informed spaces should be implemented within Courts (including in the Magistrates Court and the Children's Court) to prevent young people from being exposed to alleged perpetrators and reduce anxiety while waiting for hearings.
5. Legislation be amended to include a presumption that children listed on an order will remain protected after they turn 18 unless the Court orders otherwise. This approach balances protection, autonomy, and judicial discretion while prioritising safety and stability for young people affected by family violence.
6. Legislation be amended to include a standard provision in final orders stating that if a child listed on the order turns 18 during the term of the order, the protection and this order will automatically extend for an additional 12 months from their 18th birthday.
7. Legislation should be introduced to empower Magistrates to determine whether a child should be included in a FVIO based on an individualised assessment of risk and need.
The Court should be required to consider:
 - a. The nature and extent of the alleged family violence involving the child;
 - b. The child's relationship to the respondent and any history of harm or exposure to harm;

- c. The views and best interests of the child, where appropriate and possible;
 - d. The need to protect the child from further trauma or unnecessary legal intervention.
- 8. Legislation should be introduced to provide Magistrates with the discretion to:
 - a. Dismiss or strike out an application if it is found to be without merit, brought in bad faith, or intended to harass the respondent;
 - b. Require supporting evidence or information that substantiates the need for the child's inclusion.
- 9. Cultural competence training should be enforced for judicial officers and support services to better understand the context and dynamics of parenting in diverse cultural communities.
- 10. Clear guidance should be made available for Magistrates to distinguish between reasonable parental discipline and conduct that meets the threshold for family violence, considering the child's age, maturity, and the intention and impact of the parental behaviour.
- 11. Early intervention and mediation options should be considered where appropriate, before progressing to formal Intervention Order proceedings—particularly in cases involving adolescent-parent conflict—aimed at resolving misunderstandings without escalating to legal orders.
- 12. Safeguards should be introduced to prevent misuse of the FVIO process, including the ability for Magistrates to dismiss applications that are vexatious or made in retaliation during family conflict.

Conclusion

Australia continues to grow as a vibrant, multicultural society. It is essential that the FVIO system evolves to meet the nuanced needs of women, children, young adults, and diverse families.

The system must strike a careful balance between ensuring protection from genuine harm and preventing the misuse of legal mechanisms in ways that may fracture families or penalise culturally appropriate parenting.

We recommend legislative and procedural reforms to provide greater clarity and certainty for children turning 18, including automatic continuation of protection for 12 months unless the Court determines otherwise. At the same time, Courts should be explicitly empowered to assess the necessity of orders, evaluate individual risk factors, and dismiss applications that are frivolous, vexatious, or not grounded in actual harm.

The system embeds a culturally responsive framework—one that respects varied parenting approaches, promotes early conflict resolution where safe to do so, and upholds the principles of procedural fairness. This includes judicial training in cultural competence and trauma-informed practice, as well as support services equipped to guide young people and families through these complex dynamics.