



YWCA CANBERRA



**Potential minor and technical amendments for Domestic,  
Family and Sexual Violence Amendment Bill 2025**

[Leah.dwyer@ywca-canberra.org.au](mailto:Leah.dwyer@ywca-canberra.org.au)

## **Acknowledgement of Country**

YWCA Canberra proudly recognises the rights of Aboriginal and Torres Strait Islander peoples to own and control their cultures and pays our respect to these rights. YWCA Canberra acknowledges the need to respect and encourage the diversity of Indigenous cultures and to respect Indigenous worldviews, lifestyles and customary laws. We extend our respect to the Aboriginal and Torres Strait Islander women who for thousands of years have preserved the culture and practices of their communities on country. This land was never surrendered, and we acknowledge that it always was and will continue to always be Aboriginal land.

## **About YWCA Canberra**

YWCA Canberra is a feminist not-for-profit organisation that has provided community services and represented women's issues in Canberra since 1929.

Our mission is 'We strengthen communities by supporting girls and women through our services and advocacy' and our vision is 'Girls and women thriving'.

We provide essential, quality services for women, girls and families in the ACT and surrounding regions. We work in the areas of children's services, community development, homelessness and affordable housing, youth services, personal and professional training, women's leadership and advocacy.

We are externally accredited against the [Quality Improvement Council \(QIC\) Health and Community Service Standards \(7th Edition\)](#). Accreditation against the QIC standards support us to improve client and community engagement, diversity and cultural appropriateness, management systems, governance and service delivery, while committing to a cycle of continuous quality improvement. In addition to the QIC standards, we are accredited against the following external client related service standards for our key areas of work:

- [Australian Charities and Not for Profit Commission](#)
- [National Quality Standard for Early Childhood Education and Care and School Aged Care](#)
- [National Regulatory System for Community Housing](#)
- [Registered Training Organisations Standards](#)

Through our national Affiliate Association with YWCA Australia, we are part of the World YWCA network, which connects 120 countries across the globe.

## Introduction

YWCA Canberra welcomes the opportunity to provide comments to the minor and technical amendments for the Domestic, Family and Sexual Violence amendments. We have contributed to previous legislative reform of the Crimes Act that relate to a communicative consent model and misrepresentation regarding the use of a condom.

As the provider of the National Women's Safety Alliance we have also contributed to strategic policy developments relevant to the *National Plan to End Violence Against Women and Children* (2022-2032) and the broader law reform agenda of the Australian Government where it relates to safety and information sharing.

Our comments on the proposed minor and technical amendments relate to amendments that reflect this broader strategic context rather than legal practice.

### **1) Clarifying that sections 79H(3)(b) and (c) of the EMPA apply to family violence offences as well as sexual offences.**

YWCA Canberra supports this amendment. Services such as counselling and crisis support services play an intrinsic role in responding to domestic, family or sexual violence or assisting in the survivor's recovery from violence. These services and their ability to deliver qualified and appropriate support operate off a relationship of confidence and trust between the client and staff. We support the amendment that addresses the potential unintentional exclusion of domestic and family violence from protected confidences. Given resource limitations of the relevant support services however, there is a broader practical imperative to ensure that staff and case management staff have the appropriate resources and skills to object to subpoena applications, knowing that exemptions exist.

### **2) Clarifying the limitations on publication of an account or report of a proceeding for an FVO/PPO and considering broadening the definition of publish under section 149 of the FVA and section 98 of the Personal Violence Act 2016.**

We support this amendment. The existing legal framework, particularly for those subjected to sexual violence is often stacked against claimants. For the survivor who chooses to formally report an assault, the reality of this decision-making process is one that is made while weighing up a multitude of factors including fear, shame and the prospects of a successful outcome.

Despite perpetrator accountability being a focus of the Australian and ACT Governments, the practical reality of what this looks like is difficult to grasp. For too long, non-publication orders have anonymised the identity of an offender – even where a victim/survivor wishes to waive

their right to anonymity – effectively curtailing potential accountability. Existing confusing about when and to whom information can be provided prompts parties to err on the side of caution, thus further limiting necessary information to relevant others.

**3) Amending the FVA and PVA to allow the Court to reinstate an application for an FVO and PPO where it has been erroneously dismissed or determined under Division 4.2A of the Acts.**

We support the amendment allowing the Court to reinstate applications previously dismissed due to administrative or human error. It is noted that the explanation gives the example of an applicant erroneously attending the wrong Court, thus failing to attend their hearing resulting in their application for protection being dismissed, as a circumstance that is not currently protected. In considering this amendment, we ask the Justice and Community Safety Directorate to consider how applicant attendance at Court hearings can also be sabotaged by respondent parties. Indeed, cases where applicants have been prevented from attending their own hearings due to deliberate interference by respondents have been reported.