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**Family law, family violence and confidentiality: launch of research report**

Rosie Batty today launched a report by Women’s Legal Service NSW that explores the unintended consequences of disclosure of sensitive materials in family law proceedings involving family violence. This report – entitled “Sense and Sensitivity” outlines the practices and consequences of information sharing and the use of subpoenas. It also highlights the difficulties that arise from a lack of consensus about which evidence is confidential and inadmissible.

“We must examine the impact of disclosure of sensitive material on the safety of victims and their children and how disclosure impacts the integrity of professional relationships, both current and future,” says Carolyn Jones, Senior Solicitor, Women’s Legal Service NSW.

“Family law is particularly confusing. There are statutory protections of confidentiality and inadmissibility for records created by certain professionals in some contexts, whilst other sensitive records are produced via subpoena with often no consideration of the impact on victims. The family law system must adopt a broader responsibility for victim parents by ensuring that records of supportive and therapeutic services are shielded from the perpetrator so that victims can focus on recovery and their capacity to care for their children,” says Ms Jones.

“We need people with expertise in family law, family violence and therapeutic service provision to work together to develop guidelines to ensure a victim centric approach to obtaining and using sensitive records. This will be responsive to the best interests of children, but aim to be the least intrusive approach. This may include giving greater weight to the primary evidence of victims and holding perpetrators to account,” says Ms Jones.

The report was developed with the support of a Law and Justice Foundation of NSW grant.

“In a climate of variable resources and long delays we must find ways to provide more certainty about when records may be provided to courts. This could be achieved by an amendment to court rules placing an onus on the party seeking access to therapeutic records to establish that there is no less intrusive source of evidence available and a pilot project to assist victims and therapeutic service providers to object to family law subpoenas,” says Ms Jones.

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Women’s Legal Service NSW is a community legal centre that aims to achieve access to justice and a just legal system for women in NSW. We seek to promote women’s human rights, redress inequalities experienced by women and to foster legal and social change through strategic legal services, community development, community legal education and law and policy reform work.

**Further information:**

[Sense and Sensitivity: Family Law, Family Violence and Confidentiality](http://www.wlsnsw.org.au/law-reform/sense-and-sensitivity-2016/)