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Dr Andrea Cullen
Secretary
Standing Committee on Justice and Community Safety
ACT Legislative Assembly
GPO Box 1020
Canberra ACT 2601,

28 May, 2018

Dear Dr Cullen,

Re: Inquiry into Domestic and Family Violence

I am a sole practitioner in the ACT, and do not generally work in the area of family violence and other such matters. As such, I only recently became aware of the Inquiry you are presently conducting, and I note your consideration of the matter is already well advanced.

Nevertheless, I would like to raise an aspect that may not have already been raised. That is, the effect that family violence has on the workplace, the responsibility of the employer, and the accountability of the perpetrator of the violence.

Employers are persuaded to have a Family Violence policy to cover their workplaces. They have an obligation, moral at least, to look after the welfare of their employees. Where an employee is the victim of family violence, it can and does drastically affect the employee's ability to work effectively. Some studies have shown that the effect continues for an average of 3 years after the particular relationship ends. Also that there is an increase in the worker's ineffectiveness during that time

Employers argue that it is not a problem of their making, but they suffer a loss as a result of it. Employers should be given the right (by legislation) to make a civil claim for their losses against the perpetrators of the violence.



A unique idea, yes, but one that will push back against the perpetrators.

Not all cases will be available for such an action. Many violent men will be of insufficient means to make it worthwhile for the employer to pursue.

Also the case cannot (and should not) go forward without the assistance and cooperation of the victim, as the victim would have to give evidence of the violence, and of how it has affected her work.

With such an option for action available, employers may be more inclined to adopt policies that will give financial and other security to the victims.

As part of the claim, employers would have to be entitled to remuneration for their proper business costs in investigating and conducting an action. Otherwise the trouble and cost of the action may be too great to make it worthwhile, and the policy may fail for that reason.

However, a few successful cases could cause well off perpetrators to think again before they act with violence.

Obviously, further work and research will need to be undertaken to ascertain the best and most effective legislation.

Yours sincerely
DONOHUE & Co, Lawyers



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