



Law Council
OF AUSTRALIA

Fair Work Amendment (Paid Family and Domestic Violence Leave) Bill 2022

Senate Standing Committees on Education and Employment

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About the Law Council of Australia

The Law Council of Australia exists to represent the legal profession at the national level, to speak on behalf of its Constituent Bodies on national issues, and to promote the administration of justice, access to justice and general improvement of the law.

The Law Council advises governments, courts and federal agencies on ways in which the law and the justice system can be improved for the benefit of the community. The Law Council also represents the Australian legal profession overseas, and maintains close relationships with legal professional bodies throughout the world. The Law Council was established in 1933, and represents 16 Australian State and Territory law societies and bar associations and Law Firms Australia, which are known collectively as the Council's Constituent Bodies. The Law Council's Constituent Bodies are:

- Australian Capital Territory Bar Association
- Australian Capital Territory Law Society
- Bar Association of Queensland Inc
- Law Institute of Victoria
- Law Society of New South Wales
- Law Society of South Australia
- Law Society of Tasmania
- Law Society Northern Territory
- Law Society of Western Australia
- New South Wales Bar Association
- Northern Territory Bar Association
- Queensland Law Society
- South Australian Bar Association
- Tasmanian Bar
- Law Firms Australia
- The Victorian Bar Inc
- Western Australian Bar Association

Through this representation, the Law Council effectively acts on behalf of more than 90,000¹ lawyers across Australia.

The Law Council is governed by a board of 23 Directors – one from each of the constituent bodies and six elected Executive members. The Directors meet quarterly to set objectives, policy and priorities for the Law Council. Between the meetings of Directors, policies and governance responsibility for the Law Council is exercised by the elected Executive members, led by the President who normally serves a 12 month term. The Council's six Executive members are nominated and elected by the board of Directors.

Members of the 2022 Executive as at 1 January 2022 are:

- Mr Tass Liveris, President
- Mr Luke Murphy, President-elect
- Mr Greg McIntyre SC, Treasurer
- Ms Juliana Warner, Executive Member
- Ms Elizabeth Carroll, Executive Member
- Ms Elizabeth Shearer, Executive Member

The Chief Executive Officer of the Law Council is Dr James Popple. The Secretariat serves the Law Council nationally and is based in Canberra.

¹ Law Council of Australia, *The Lawyer Project Report*, (pg. 9,10, September 2021).

Acknowledgement

This submission is informed by input from Constituent Bodies of the Law Council of Australia, namely:

- The Law Society of New South Wales;
- The Queensland Law Society;
- The Law Institute of Victoria;
- The Law Society of South Australia;
- The Law Society of the Australian Capital Territory; and
- The Law Society of Tasmania.

The Law Council is also grateful for the guidance of its Industrial Law Committee of the Federal Litigation and Dispute Resolution Section in the preparation of this submission.

Introduction

1. The Law Council welcomes the opportunity to provide a submission to the Education and Employment Legislation Committee's Inquiry into the Fair Work Amendment (Paid Family and Domestic Violence Leave) Bill 2022 (**the Bill**).
2. The Bill seeks to amend the *Fair Work Act 2009* (Cth) (**the FW Act**) to provide for ten days of paid family and domestic violence (**FDV**) leave in the National Employment Standards (**NES**). This would replace the existing entitlement in the NES of five days unpaid family and domestic violence leave, and would:
 - provide for employees to access paid FDV leave at their full rate of pay for the hours they would have worked had they not taken the leave;
 - extend the definition of FDV to include conduct of a current or former intimate partner of an employee, or a member of an employee's household; and
 - extend the full paid entitlement to all employees when the *International Labour Organisation Convention (No. 190)*² concerning Violence and Harassment comes into force for Australia.
3. The Bill has been introduced following a provisional decision of the Fair Work Commission (**FWC**) earlier this year, which found that modern employment awards should provide for 10 days of paid family and domestic violence leave for full-time and part-time employees.³ However, the Bill extends this leave entitlement to full-time, part-time *and casual employees*, despite the FWC having earlier determined that it should not apply to the latter. This variation from the FWC decision is discussed in more detail below.
4. The Law Council strongly supports the objective of the Bill, namely to help employees experiencing violence to remain in work, maintain their financial security and access relevant services.⁴ The prevalence of family and domestic violence and its devastating impacts on victims, the broader community and the Australian economy are well documented in the findings of the *Family and domestic violence leave review 2021*.⁵ The Law Council supports expanding the existing NES leave entitlements for employees experiencing family and domestic violence to better reflect employment's role as a 'crucial pathway for women escaping violent relationships',⁶ and to enhance the financial security and independence of family and domestic violence survivors.
5. The Law Council's Justice Project highlighted the employment-related impact that experiences of family and domestic violence can have for survivors, noting that:

Family violence often follows victims into their place of work, and as a consequence they may lose (or leave) their job. The 2011 National Domestic Violence and the Workplace Survey found that nearly half of respondents who reported experiencing family violence said the violence had affected their ability to get to work. Research indicates that women who experience family violence have a more disrupted work history, are on lower personal incomes, have had

² International Labour Organisation Convention (No. 190), Entry into force: 25 Jun 2021, Adoption: Geneva, 108th ILC session (21 Jun 2019).

UNTS 277 (entered into force 12 January 1951) art 4.

³ AM2021/55 [2022] FWCFB 2001 [874].

⁴ Fair Work Amendment (Paid Family and Domestic Violence Leave) Bill 2022, *Explanatory Memorandum*, 1.

⁵ AM2021/55 [2022] FWCFB 2001, [419]-[443].

⁶ Australia's National Research Organisation for Women's Safety, *Paid Domestic and Family Violence (DFV) Leave: Summary of the Evidence* (Report, 2019) 1.

to change jobs frequently and are [more] often employed in casual and part time work, compared to women with no experience of violence.⁷

6. The implications of this are serious for survivors, who may also be suffering financial abuse, and may feel that they are unable to take time off work in order to leave an abusive relationship out of fear of losing their job. Financial hardship can bind victims, often women, to abusive relationships.
7. As noted above, the Law Council strongly supports the objective of the Bill. However, as detailed below, the extension of paid leave to casual workers is a significant departure from the current legal framework dealing with casual employee entitlements in the FW Act, which raises complex issues for employers that may require further consideration.
8. The Law Council supports the expansion of the definition of ‘family and domestic violence’ in subsection 106B(2) of the FW Act to include behaviour by current or former intimate partners and members of the employee’s household. This will close a significant gap in the existing definition. However, as set out below, the Law Council notes that there are considerable benefits in having consistent definitions of FDV across legislative schemes to promote a shared understanding of what constitutes family and domestic violence.
9. It has been suggested that the increase from 5 days of unpaid leave to 10 paid days is significant and has the potential to present an additional cost burden on employers. In this regard, the Law Council notes the finding of the Full Bench of the FWC that while ‘the cost impact on employers will vary, it is unlikely to be substantial given the evidence concerning the low employee utilisation rate of access to the entitlement and the existence of at least some offsetting benefits to employers’.⁸ Nevertheless, the Law Council has received feedback which queries whether it is appropriate to shift the entire cost of this measure to employers, instead of providing this financial support to family violence victims through a combination of paid leave from employers and government contributions.

2018 reforms

10. In September 2018, the then Australian Government introduced the Fair Work Amendment (Family and Domestic Violence Leave) Bill 2018 (Cth) (**2018 Bill**). The 2018 Bill inserted a new entitlement in the NES, being five days of unpaid family and domestic violence leave. This followed the decision of the FWC in March 2018 to grant five days unpaid leave to employees covered by modern awards.
11. The Law Council provided a submission in relation to the 2018 Bill on 27 September 2018, and in doing so expressed broad support for the measures.⁹ Importantly, in the context of the current reform proposals, the Law Council’s 2018 submission noted that:

Whilst a minimum entitlement of five days unpaid leave for family violence is welcomed, a minimum ten days unpaid leave per year could be considered best

⁷ Law Council of Australia, *The Justice Project Final Report* (Part 1): People who Experience Family Violence (August 2018) 22,

⁸ (AM2021/55) [2022] FWCFB 2001, [77].

⁹ Available at <<https://www.lawcouncil.asn.au/resources/submissions/fair-work-amendment-family-and-domestic-violence-leave-bill-2018>>.

*practice and paid family or domestic violence leave would be advantageous to an employee experiencing domestic or family violence.*¹⁰

12. Consistent with previous statements in this area, the Law Council remains supportive in-principle of the Bill's objective of amending the FW Act to provide for 10 days of paid family and domestic violence leave in the NES. Specific comments on the proposed measures contained within the Bill are set out below.

Application to casual employees

13. The Law Council strongly supports the purpose of the proposed reforms, which includes protecting workers from being in a position where they need to choose between their safety and lost income.¹¹ In light of this purpose, the Law Council is conscious that if the measures are not extended to the casual workforce, some of the most vulnerable people who experience family violence will remain unprotected.
14. Extending the proposed FDV leave entitlement to casual employees is complicated by the limited leave entitlements currently provided to casual employees under the NES together with the statutory and common law definitions of casual employment. Presently, casual employees are entitled to two days unpaid carer's leave and two days unpaid compassionate leave per occasion; five days unpaid FDV leave in a 12-month period; and unpaid community service leave.
15. The proposed FDV leave entitlement is significantly more expansive than other rights under the NES, both in duration, and as a paid entitlement. In contrast, paid personal/ carer's leave and compassionate leave, which are likewise serious and extenuating in nature, are not available to casual employees under the NES.
16. However, it is accepted that women who have been victims of family and domestic violence are more likely to be employed in casual and part time work than women with no experience of family and domestic violence.¹² FDV disproportionately impacts women and is considered to be both a cause and consequence of gender inequality.¹³ As such, it is understood that paid FDV leave may be seen as a crucial measure to limit the financial effects of FDV on women and to minimise disruption to employment.¹⁴
17. Further, due to the nature of FDV, and coercive control in particular, perpetrators may discourage or prevent people who are experiencing FDV from obtaining full or part-time employment. Those experiencing FDV are particularly vulnerable and are likely to be going through significant upheaval in their lives. People experiencing FDV are sometimes attracted to casual employment due to the flexibility these positions can provide, particularly if they are in the process of leaving an abusive situation or are at ongoing risk from a perpetrator.¹⁵
18. The Law Council appreciates the broad justification for the proposed extension of paid FDV leave to casual employees, and considers that excluding casuals (who are the most vulnerable working population) would have the potential to undermine the ultimate purpose of the Bill, which is to ameliorate financial difficulties for workers seeking to

¹⁰ Ibid, [21].

¹¹ Parliamentary Debates, House of Representatives, 28 July 2022, 2 (Tony Burke, Minister for Employment and Workplace Relations, Minister for the Arts and Leader of the House).

¹² *Family and domestic violence leave review 2021* [2022] FWCFB 2001, [436].

¹³ Ibid, [436].

¹⁴ Australia's National Research Organisation for Women's Safety, *Paid Domestic and Family Violence (DFV) Leave: Summary of the Evidence* (Report, 2019) 1.

¹⁵ Victoria, Royal Commission into Family Violence: Report and Recommendations Vol 1, Report (March 2016), 27, 61, 83.

manage and exit family violence situations. However, some concerns have been raised amongst Law Council members as to the difficulties in applying the leave to casual employees, which may require further thought.

19. In this context, the Law Council remains conscious of the reasoning behind the FWC's detailed consideration in the *Family and domestic violence leave review 2021*¹⁶ where it gave its provisional view that paid FDV leave should not apply to casuals. The FWC noted:

*Despite the intrinsic merit of extending financial support to casual employees experiencing FDV there are significant challenges in framing an appropriate term.*¹⁷

20. Several concerns were noted in this respect, including those identified by Vice President Hatcher in questioning the ACTU at a hearing on 8 April 2022, where unresolved conceptual issues were raised about when agreement between an employer and employee regarding hours is reached.¹⁸

21. Other issues identified by the FWC included:

- the change contemplated in respect of casual employees would present particular challenges for small and medium businesses without sophisticated HR systems or dedicated HR staff; and
- the NES do not provide any precedent or existing scheme for paid leave to casuals (including remuneration calculation), and state-based long service leave remuneration mechanisms are not adequate models.

22. The FWC decision not to extend this leave to casual employees hinges on the operational difficulty in creating a clause to appropriately deal with the uncertain nature of casual employment together with the current legal framework dealing with casual employee entitlements in the FW Act. While the approach adopted within the Bill appears adapted to a casual employment in which casuals work on rosters set well ahead of time on an ongoing basis, this is not the uniform type of casual employment and indeed does not necessarily reflect the absence of 'firm advance commitment' required under section 15A of the FW Act.

23. While acknowledging the benefits of extending the scheme to casual employees and providing in-principle support for the reasoning behind the approach, the Law Council believes that further justification is required as to why the Bill seeks to deviate from the FWC decision in this regard, and importantly, how the above challenges are to be satisfactorily addressed. If the entitlement to paid leave for casuals is to remain in the Bill, then the Law Council submits there will be a strong need for appropriate education and support for businesses to allow them to assess, calculate and provide this leave. In the absence of clarity in relation to payment, this presents a complex compliance issue for employers.

FDV leave when an employee has not been rostered to work

24. Proposed subsection 106BA(3) of the Bill would allow an employee to take FDV leave for a period when they have not been rostered on for work, however it would not require the employer to pay them for this leave. As stated in the Explanatory Memorandum:

¹⁶ [2022] FWCB 2001

¹⁷ *Ibid*, [814].

¹⁸ *Ibid* [810].

*New subsection 106BA(3) makes clear that a casual employee could take a period of paid family and domestic violence leave that does not include hours for which the employee is rostered to work. In this circumstance, the employer would not be required to pay the employee for the un-rostered hours. This ensures that a casual employee who is not able to make themselves available for a shift, and who has not been rostered for a shift, cannot be adversely treated because they need to do something to deal with family and domestic violence during that period. This is because the employee is able to exercise, or propose to exercise, their workplace right to take paid family and domestic violence leave and is thereby protected from unlawful adverse action.*¹⁹

25. The Law Council agrees that casual employees should not be the subject of adverse action (including action by omission) because they have not been able to take on an un-rostered shift due to family and domestic violence. However, the nature of this provision has the potential to lead to adverse action cases becoming even more complex for employers, noting that failing to roster a casual employee for a shift is a right consistent with the statutory definition of a casual employee not having any ongoing expectation of work.²⁰
26. Further, there are concerns that other issues created by this provision outweigh the attempt to prevent unfavourable action as a result of an employee declining work due to family and domestic violence. For example, if leave is taken at a time when the employee was not otherwise rostered to work, they will not be paid for this leave, however it is unclear whether it will be deducted from the overall entitlement of 10 days leave per year. If there is some deduction from the overall leave entitlement, this seems to operate unfairly for casuals as the Bill does not contain similar provisions for other employees such as those who work part time (though presumably, a part time employee simply would not take leave on a day that they were not otherwise due to work). This concern does not appear to be addressed by the Bill or in the Explanatory Memorandum.
27. In addition, in circumstances where an employee knows they are not available to work on a future date (for example, because they have a court date or moving date) and inform their employer of their unavailability for that date, they will therefore not be rostered for that date and as a result will have no entitlement to paid leave for that date. This may force employees to accept shifts (knowing that they will be unable to work them) in order to be able to access paid leave, which in turn could create logistical issues for their employer.
28. The Law Council submits there is scope to reconsider this proposed provision with a view to providing more clarity about these issues.

Definition of FDV

29. A definition of FDV that is consistent across legal practice areas and jurisdictions is essential to effectively support people affected by FDV, improve the legal and community understanding of what constitutes FDV, and support society to identify and address FDV concerns. While the Law Council supports the Bill's proposal to expand the relationships that may give rise to FDV for the purposes of leave entitlement, it is of the view that the definition of FDV within the FW Act requires holistic updating as it fails

¹⁹ Fair Work Amendment (Paid Family and Domestic Violence Leave) Bill 2022, *Explanatory Memorandum*, [52].

²⁰ *Fair Work Act 2009* (Cth), 15A.

to effectively recognise the inter-party dynamics and psychological and emotional complexities that exist in FDV matters.

30. Other definitions of FDV, such as that in the Victoria's *Family Violence Protection Act* (2008) (**FVPA**), recognise a broader set of relationships in which FDV can occur. The definition also recognises that power and control is the intention in abusive relationships and includes violence within a broader family context, such as extended families and 'family-like' relationships. These can include a paid or unpaid carer for people with disability, families of choice for LGBTIQ people, and cultural kinship networks. The definition in the Victorian FVPA is a good example of one that captures characteristics of relationships that distinguish family or family-like relationships from those that are not. The definition notes that family or family-like relationships are characterised by the nature of social and emotional ties, living arrangements, financial and other forms of dependence or interdependence, and responsibility for providing care and support.
31. More broadly, inconsistent definitions of FDV across State, Territory and Federal legislation create additional barriers for employees experiencing FDV and seeking legal protection. For example, the Victorian FVPA includes threats to pets as a form of FDV,²¹ while the definition of FDV under the federal *Family Law Act 1975* (Cth) does not.²² In 2021, the Law Council published a model definition of family violence in the interests of developing a nationally consistent definition across and within Australia's jurisdictions.²³ The Law Council supports the adoption of this model definition across state, territory and federal legislative instruments to ensure sufficient protections for people experiencing FDV.
32. Both the House of Representatives Standing Committee on Social Policy and Legal Affairs in its 2021 report on the *Inquiry into family, domestic and sexual violence* and the Joint Select Committee on Australia's Family Law System in its *Second Interim Report* have recognised the potential benefits of establishing consistent definitions across different legislative frameworks and have recommended that the Australian Government work with its state and territory counterparts to establish a consistent definition.²⁴

Providing evidence to support FDV leave

33. Subsection 107(3) of the FW Act requires an employee, if requested by their employer, to provide evidence to support a leave application. This requirement is largely unchanged by the proposed Bill and therefore allows the evidence requirements for FDV leave to be determined by an employer who may have limited understanding of the complex nature of FDV and the needs of people experiencing it. The employer has discretion to require an employee to provide evidence that they meet the three requirements for FDV leave, outlined in section 106B, to the satisfaction of 'a reasonable person'. However, the type of evidence that may need to be provided to access the new, expanded leave provided under the Bill may be more onerous and difficult to provide than what is currently expected or accepted. As a result, an amendment to this provision or a carve-out for FDV leave may be needed.

²¹ *Family Violence Protection Act 2008* (Vic), s 5(2)(e).

²² *Family Law Act 1975* (Cth), s 4AB.

²³ Law Council of Australia, Model Definition of Family Violence (27 November 2021), <<https://www.lawcouncil.asn.au/policy-agenda/advancing-the-profession/model-definition-of-family-violence>>.

²⁴ House of Representatives Standing Committee on Social Policy and Legal Affairs, Parliament of Australia, *Inquiry into family, domestic and sexual violence* (March 2021) rec 1; Joint Select Committee on Australia's Family Law System, Parliament of Australia, *Improvements in family law proceedings* (Second Interim Report, March 2021) rec 13.

34. Evidencing the experience of domestic and family violence is likely to be difficult for many victim survivors. By its nature, domestic and family violence is most often carried out in private. Both perpetrators and victims may attempt to conceal violence for a range of reasons, and the Law Council queries whether existing evidentiary requirements are appropriately trauma-informed. This requirement also risks creating barriers for access where employers enforce burdensome or arduous evidentiary standards in an attempt to avoid paying the leave entitlement.
35. One option that has been suggested is the creation of a presumption of entitlement to paid leave where compliance with the statutory requirements has been satisfied. This entitlement could be supported by the inclusion of a non-exhaustive list of examples of evidence that would satisfy a reasonable person.
36. At the very least, employers should be provided with appropriate (e.g. online) training and guidance by experts in relation to the nature, context and associated dynamics of FDV, to ensure that employers provide appropriate trauma-informed responses, and do not impose undue hardship or additional burdens on people experiencing FDV when deciding what evidence may be reasonably requested.

Pay rates

37. The Explanatory Memorandum for the Bill confirms the intention of proposed subsections 106BA(1) and (2) is to ensure that employees taking a day of paid FDV leave receive the same remuneration for the day as they would have received but for taking leave. This is intended to minimise the financial impact of family and domestic violence.
38. Paying an employee's ordinary hourly rate plus applicable incentive-based payments and bonuses, shift loadings, penalties, and allowance, is, however, inconsistent with the types of paid leave contemplated by the NES and awards. It would also be inconsistent with the meaning of a loading or penalty in industrial instruments which require that the shift be worked. This is the reason why it is not paid on other forms of leave.
39. The NES provide consistent pay rates ('base rate of pay') for annual leave, personal/carer's leave, paid compassionate leave, paid jury service and public holidays. Regard should be had to the statement of the Full Bench in the *Family and domestic violence leave review 2021* decision that departing from this basis to establish a new paid leave entitlement, operating on a 'radically different basis', would be disruptive.²⁵
40. While the Full Bench noted that employees who experience family and domestic violence often face financial difficulties as a result (such as relocation costs or becoming a sole parent), and may suffer economic harm as a result of disruption to workplace participation, it concluded that the proposal for a rate of pay different to that for other leave entitlements was not appropriate, holding the leave should be a safety net rather than providing 'income continuity'.²⁶
41. The Law Council does not object in principle to the departure from the views of the FWC in this area. However, it notes that these concerns have not been adequately addressed in the Explanatory Memorandum. While there is reference to the FWC decision in the Explanatory Memorandum, there is no reconciliation between its findings and the position adopted in the Bill, and the Law Council suggests that these concerns ought to be clarified.

²⁵ *Family and domestic violence leave review 2021* [2022] FWCFB 2001, [860].

²⁶ *Ibid*, [862]-[863].

Title of leave

42. The Law Council has received feedback which highlights that naming the leave 'family and domestic leave' may be confronting and could discourage employees from applying.
43. Consideration could be given to the potential barriers which may prevent employees from accessing domestic violence leave. The long-standing stigma and shame associated with experiencing domestic and family violence will likely prevent some survivors from applying for leave which is referred to in this way. The language used in this context is important and should not impact accessibility.
44. It has been suggested that descriptors such as 'family safety leave' instead of 'family and domestic violence leave' may assist in achieving the purpose of these amendments.

Clarifying reliance on same instance across years

45. Consistent with submissions made in relation to the 2018 Bill, the Law Council suggests that there is scope to clarify within subsection 106A(1) of the FW Act that an employee can access the 10 days of paid leave in each 12-month period for the same instance of family violence in subsequent years.
46. The House of Representatives Standing Committee on Social Policy and Legal Affairs in the 2017 report entitled *A better family law system to support and protect those affected by family violence* noted that 'even after family law matters are resolved families which have experienced family violence may still experience some level of risk'.²⁷ Research also shows that survivors often need to access leave beyond the immediate crisis. For example, an American study showed that women's experiences of family or domestic violence continued to impact on their employment through higher rates of absenteeism for 3 years post-incident.²⁸
47. Paragraph 106B(1)(a) of the FW Act (inserted by the 2018 Bill) states that leave is available 'if the employee is experiencing family and domestic violence'. As noted at the time, the Law Council is of the view that paragraph 106B(1)(a) ought to be amended to state: 'the employee has experienced, or is experiencing, family and domestic violence' (or words to a similar effect).
48. Many people needing to access leave are likely to have left the relationship and may not meet the criteria of paragraph 106B(1)(a), however may need time to 'do something to deal with the impact' as per paragraph 106B(1)(b).

Proposed Note 1 in Subsection 106B(1)

49. Note 1 to section 106B of the FW Act provides examples of actions by an employee who is experiencing family and domestic violence that may give rise to FVD leave. The Bill would expand this list, and the Law Council welcomes the proposed additions. However, in recognition of the diverse needs of people experiencing FDV, both before

²⁷ House of Representatives Standing Committee on Social Policy and Legal Affairs, Parliament of Australia, *A better family law system to support and protect those affected by family violence* (2017) vi.

²⁸ Ludo McFerran, *Workplace Gender Equality Agency* (Cth), Domestic violence is a workplace issue; Australian developments 2009-2016 (June 2016) 4 <<https://www.wgea.gov.au/sites/default/files/mcferran-domestic-violence-workplace-issue-australian-developments.pdf>> citing, Adrienne E Adams et al, 'The Impact of Intimate Partner Violence on Low- Income Women's Economic Well-Being: The Mediating Role of Job Stability' (2013) 18(2) *Violence Against Women Journal* 1345; Sarah Shea Crowne et al, 'Concurrent and long-term impact of intimate partner violence on employment stability' (2011) 26(6) *Journal of Interpersonal Violence* 1282.

and after separation from their abusers, there is scope for a more inclusive approach that captures the broad range of consequences flowing from FDV and reflects the fact that each individual will have different needs.

50. One such example is the need to include in Note 1 a reference to arranging for the care, safety and other needs of children, noting that an employee may need to take a number of steps in respect of their children, which are necessary though they fall outside directly arranging for their relocation or immediate safety.
51. Ultimately, the Law Council takes the view that the scheme should operate so that employees feel empowered to access the paid leave for additional necessary actions flowing from their own experience of FDV and specific to their own circumstances.