



**Response of The Law Society of Singapore's
Family Law Practice Committee to the
Ministry of Social and Family Development's
Public Consultation on proposed
amendments to the Women's Charter 1961 in
relation to family violence.**

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To: Ministry of Social and Family Development (MSF)

Dear Sirs / Mesdames,

1. Thank you for seeking our views on the proposed amendments to the Women’s Charter 1961 (“**WC**”), in relation to family violence.
2. The Family Law Practice Committee at the Law Society of Singapore has reviewed and considered the proposed amendments to the Women’s Charter 1961. We welcome the changes being made to raise and enhance the legal protections against family violence, as well as enhance the accountability and strengthen the rehabilitation of perpetrators of family violence. Nevertheless, there are concerns as regards to the powers made available to MSF officers, and how such powers would be used.
3. As such, we have included our comments in the Annex below, for your consideration.

Annex – Proposed amendments to the Women’s Charter (“WC”)

S/N	Amendment	Comments (if any)
Strengthen protection of survivors of family violence		
1)	<p>Expand the type of additional orders that the Court may make when it makes a Personal Protection Order (PPO) or after a PPO has been made, to protect survivors of family violence.</p> <p>The proposed amendment will introduce <u>non-access orders</u> (which will prohibit a perpetrator from being in designated areas at certain times) and non-visitation or non-communication orders (which will prohibit the perpetrator from visiting or communicating with the survivor)</p>	<p>1. There is a concern about the terms used, <i>i.e.</i> “non-access” or “non-visitation” orders, since it might potentially (a) result in confusion with the legal term “child access”; and (b) interfere with child access arrangements made between parties, and child access orders made.</p> <p>(a) <u>Terminology concerns</u></p> <p>(i) In addition to the fact that “access” is a legal term used within family proceedings (see s.126 WC, s.5 Guardianship of Infants Act (“GIA”)), the term “visitation” is used interchangeably with access by Singapore Court litigants, and is commonly used in some other common law jurisdictions. It is suggested that the terminology be reviewed, in order to avoid the confusion. A recommended term may be “non-contact” instead, though “contact” is used in some common law jurisdictions as an alternative to access or visitation.</p> <p>(ii) Alternatively, it is suggested that “non-access”, “non-communication”, and “non-visitation” be defined properly in the WC, so that there is no confusion between the usage of “access” used elsewhere in the WC / GIA.</p>

S/N	Amendment	Comments (if any)
		<p>(b) <u>Interference with parental rights – care / access</u></p> <p>(i) Since the proposed amendment may introduce non-access orders, non-visitation and non-communication orders, it would be important to understand how implementation of these orders would affect care and control arrangements and orders (whether shared care, or sole care), as well as access arrangements and orders (whether supervised, or not).</p> <p>(ii) There is also concern that the filing of PPO applications will be filed by parties to deny access and visitation by the other parents, whether such an amendment would encourage an abuse of the Court system. Accordingly, any such orders should be dispensed with strict scrutiny.</p> <p>(iii) It is unclear to us whether the issuance of a non-access, non-visitation or non-communication order in the event of an application involving family violence against a child would lead to the automatic suspension of care and/or access to the child. In the event there is an automatic suspension of care for the child, would the child be placed with the other parent in the interim, another caregiver (grandparent etc.) or a place of safety? Similarly, would the issuance of a non-access order lead to the automatic suspension of access to the child, or would supervised access be possible? Further, supervised access may still cause mental anguish to a child, and emotional / verbal abuse could still occur. In the event access is affected by such an Order, regular and further court review and/or assessments by an appropriate child professional from MSF or elsewhere should be carried out with an intention to educate and facilitate the restoration of access.</p> <p>(iv) In the event the perpetrator and the victim are living in the same residence and there is difficulty for either of them to</p>

S/N	Amendment	Comments (if any)
		<p>find alternative suitable housing, would the MSF be able to employ resources to ensure suitable housing for the perpetrator? Failing which, how would such an order be implemented in practice, especially for individuals who do not have sufficient financial means / family?</p> <p>(v) It is therefore proposed that the hearing Judge making such Orders is also docketed for any ongoing family proceedings under the WC or any ongoing child proceedings under the GIA, in order to consider the above issues.</p> <p>(vi) Even where there may be no ongoing proceedings before the Court, the Court could consider flagging potential issues as regards care arrangements / access arrangements at the earliest possible time, so that potential child access disputes could be flagged. In addition, the Court may provide directions or encourage an agreement as regards child issues until there is a full hearing on family violence or resolution of child issues after the dissolution of the marriage, if applicable.</p>
2)	<p>Empower the Court to grant additional orders to a PPO, even after a PPO has been made.</p> <p>Presently, the Court may grant additional orders, such as a domestic exclusion order or a counselling order, when it makes a PPO.</p> <p>The proposed amendment will empower the Court to grant additional orders to a PPO after the PPO is made (<i>e.g.</i> to make an additional counselling order if the PPO respondent [<i>i.e.</i> the perpetrator of family violence] is subsequently found by the Court to have specific needs in relation to management of addictions that contributed and/or exacerbated the risk of family violence).</p>	<p>1. The LSS welcomes the amendment of the WC to grant additional orders, even after a PPO has been made, as this recognises that support, treatment, and rehabilitation is necessary and key in family violence cases.</p> <p>2. Our comments are as follows:</p> <p>(a) MSF should clarify in what circumstances the perpetrator of family violence may be ordered to attend additional counselling. Would it just be limited to “<i>specific needs in relation to management of addictions that contributed and/or exacerbated the risk of family violence</i>”?</p> <p>(i) If so, the language adopted might be too narrow, as there could be underlying mental health / emotional</p>

S/N	Amendment	Comments (if any)
		<p>health / other issues at play and the respondent requires support, treatment and rehabilitation.</p> <p>(ii) Furthermore, addiction specialists in the mental health field have to be specially trained in the field of addiction treatment and management, and counsellors would not be able to support them <i>adequately</i>, in which case compliance with such an Order may have little utility.</p> <p>(iii) Similarly, majority of major mental health disorders and issues require the support and treatment of a trained psychologist or psychotherapist, potentially working alongside a psychiatrist, if medication is required. Does the term “counselling order” mean that the respondent will see a Court counsellor only? Could the scope be expanded to provide for the respondent to see a suitable mental health practitioner?</p> <p>(b) Who would decide what type of support is needed – the Court? Is the Court equipped to make this decision without any expert input? How long would such counselling be for, and at what frequency, and at whose cost?</p> <p>(c) Whether a victim or a witness of family violence (e.g. child) would also be able to obtain support and treatment from being at the receiving end of family violence? If no, it is suggested that the Court is also empowered to support the victim.</p>
3)	<p>Empower the Director-General of Social Welfare (DGSW) and appointed protectors to make third-party applications for PPOs or expedited orders (“EOs”) on behalf of vulnerable persons experiencing family violence under exceptional circumstances, even without their consent.</p> <p>Presently, third-party PPO applications may only be made for persons under the age of 21 years or if they are incapacitated. These applications may only be made by a guardian, relative, or person responsible for the care of the relevant person, or any person</p>	<ol style="list-style-type: none"> 1. The LSS welcomes the amendment of the WC to allow for third-party applications to be made for PPOs / EOs on behalf of vulnerable persons experiencing family violence. 2. We have the following comments / proposals: <ol style="list-style-type: none"> (a) More clarity is required as to how the process will be initiated and how the requisite information will be transmitted to the DGSW and the appointed protectors.

S/N	Amendment	Comments (if any)
	<p>appointed by the Minister for Social and Family Development for such purposes.</p> <p>There may be exceptional instances where survivors of family violence are unwilling to apply for PPOs to better protect themselves from further family violence, often due to the undue influence that their perpetrators have over them or because they wish to preserve the relationship with their perpetrators. The proposed amendment will enable DGSW and appointed protectors to make third-party applications for PPOs for vulnerable persons experiencing family violence, even without their consent.</p>	<p>(b) It is unclear whether there would be guidance as to who “vulnerable persons” are, and whether there would be any overlap in the definition of “vulnerable adult” under the Vulnerable Adults Act, <i>i.e.</i> “an adult of 18 years of age and older; and is by reason of mental, or physical infirmity, disability or incapacity, incapable of protecting himself or herself from abuse, neglect or self-neglect.”</p> <p>(c) It is proposed that “vulnerable persons” should also include children.</p> <p>(d) It is also proposed that guidance and clarity should be given as to what constitutes “exceptional circumstances”.</p> <p>(e) It appears that “appointed protectors” will be granted extensive powers.</p> <p>(i) “Appointed protector” should be defined in the WC; It is noted that “protector” is already defined in the Vulnerable Adults Act 2018.</p> <p>(ii) The ambit of powers of “appointed protectors” should be made clear.</p> <p>(iii) Will there be any right to review the exercise of such powers? If so, who shall have the right to review this and what is the mechanism of such review? It is important to ensure that all powers are properly exercised.</p> <p>(f) If lawyers have clients who are unwilling to make a complaint but are clearly (as assessed by the lawyer) victims of family violence, is there an avenue for the lawyer to contact the DGSW and appointed protectors to intervene?</p> <p>(g) As there may be backlash from the respondent, will the victim be provided a place of safety to go to, or some other form of interim support?</p>
4)	Empower the DGSW and appointed protectors to enter homes to assess and obtain information about the persons	1. We have the following clarificatory questions:

S/N	Amendment	Comments (if any)
	<p>experiencing family violence, and require persons experiencing family violence to be assessed by a registered medical professional or psychologist as necessary.</p> <p>Presently, MSF already provides emergency social service response to cases involving the possible abuse of children and young persons, and vulnerable adults. This emergency social service response is currently not available for other family violence cases.</p> <p>The proposed amendment will enable appointed social service professionals (e.g. DGSW, selected MSF officers who are appointed protectors for a start) to provide emergency social service response to family violence cases that do not involve vulnerable adults or children and young persons. The intent is to de-escalate tensions and address immediate risks of abuse and violence in the family, and to work with the family to put in place an immediate safety plan to ensure their safety until further interventions are worked out.</p>	<p>(a) As above, it is unclear what powers “appointed protectors” and “selected MSF officers” currently have, and who they are, what training / qualifications they have in carry out this work.</p> <p>(b) The definitions and powers of “appointed protectors” and “selected MSF officers” should be properly legislated for. The disclosure of this group of officers is important since they will be providing emergency social service response to victims. Key clarifications on this include:</p> <ul style="list-style-type: none"> (i) It is unclear what qualifications protectors must possess in the first place in order to become a protector (and volunteer welfare officers); (ii) What type of training do protectors (and volunteer welfare officers) undergo?; and (iii) Would their identity be disclosed to the parties, since they are making the complaint? <p>(c) How would appointed protectors / selected MSF officers support victims, since many victims would be fearful of making a report about the perpetrator, and hence may not wish to cooperate.</p> <p>(d) Is the intention that appointed protectors / selected MSF officers are contacted instead of the police in the event of possible abuse? If the police are called or contacted, would MSF be alerted so that its protectors / officers could attend with the police?</p> <p>(e) When and how would they be activated?</p> <p>(f) How would they enter homes, if they are not allowed entry?</p> <p>(g) Would appointed protectors / selected MSF officers be accompanied by enforcement officers or police officers? This might be necessary to protect them from harm.</p>
5)	<p>Introduce time-limited protection notices to be issued onsite to perpetrators in high-risk family violence incidents.</p>	<p>1. There is some concern about the delegation of judicial power, and whether the MSF officer has the full set of facts at such an early stage of investigations to issue this notice since the burden of proof is always on the complainant. Would it be possible for the matter</p>

S/N	Amendment	Comments (if any)
	<p>The proposed amendment will empower appointed social service professionals (e.g. DGSW, selected MSF officers who are appointed protectors for a start) providing the emergency social service response to decide whether time-limited protection notices should be issued to ensure the safety of the survivors. These time-limited protection notices will be similar to EOs; any breach of the conditions in the protection notice would constitute a criminal offence.</p>	<p>be brought urgently before a Judge for the issuance of an EO to be issued?</p> <ol style="list-style-type: none"> 2. Nevertheless, it is important to provide protection to victims where there is risk of immediate harm and there may be some unavoidable delay before a complaint is formally brought. 3. We have the following clarificatory questions: <ol style="list-style-type: none"> (a) Would the notes / complaint taken down by MSF and its officers be subject to disclosure? This applies to all incidents where MSF and its officers are involved, and there is later a formal complaint lodged through the Family Justice Courts. Flowing from this, would the MSF and its officers be witnesses at the PPO trial? (b) It is unclear what constitutes “high-risk family violence incidents” and whether the “time-limited protection notices” have the same effect as an EO. (c) If so, what is the legal test which allows for such notices to be issued, and would the test for the setting aside / revocation of such notices be the same? Will the individuals empowered to issue these notices have the necessary training to assess the risks? (d) We also require clarity as to what “criminal offence” this would be, and what “conditions” would be imposed under such a notice? What is the time limit in mind? Is this until the issuance of an EO only? (e) What safeguards are in place against possible abuse of potentially false allegations about a breach?

S/N	Amendment	Comments (if any)
6)	<p>Prohibit publication or broadcast of any identifiable information or picture for family violence cases and provide for takedown orders to remove such prohibited publications or broadcasts.</p> <p>Presently, there is no prohibition for the publication of any information or picture that may lead to the identification of a survivor of family violence.</p> <p>The proposed amendment will prohibit publications and broadcasts of any information or picture that identifies or is likely to identify the specific individuals (including persons who are issued the proposed time-limited protection notice, and persons with ongoing PPO applications) as experiencing family violence, so that they may have time to recover and focus on repairing the relationship as necessary.</p>	<p>LSS welcomes this amendment as a move to protect the vulnerable, and to enhance reporting.</p>
Enhance accountability and strengthen rehabilitation of perpetrators of family violence		
7)	<p>Empower the Court to order mandatory assessment and treatment for perpetrators of family violence.</p> <p>The proposed amendment introduces the mandatory assessment and treatment orders for perpetrators of family violence who have a PPO made against them. This order may only be made where <u>treatable mental conditions contributed to or exacerbate the risk of occurrence of family violence</u>, and may be made with or without a residency requirement.</p>	<p>1. LSS welcomes this amendment. However, clarification is needed as follows:</p> <ul style="list-style-type: none"> (a) How do these powers differ to that of a protector's or the DGSW? (b) Is there a difference in the legal basis of the use of such powers or assessment, before such Orders are made? If so, what are they? (c) Would this be similar to the Mandatory Treatment Order under the criminal sentencing regime? Will there be similar mechanics involved before such an order is made (e.g. a party is remanded at IMH for assessment or ordered to attend at IMH for assessment and reports are to be provided to the Court for consideration) (d) Would a judge receive expert assistance when deciding whether an order for assessment or treatment ought to be granted? This is because judges may not be best placed in making such assessments.

S/N	Amendment	Comments (if any)
8)	<p>Expand the scope of counselling orders to include different types of programmes that match the risk profiles and needs of perpetrators of family violence.</p> <p>The proposed amendment will empower the Court to order attendance to other programmes, treatments, and interventions (e.g. parenting programmes, caregiver trainings, psychological assessments and interventions) that the Court thinks necessary to reduce the risk of recurrence of family violence. Such interventions will better match the risk profiles and needs of respondents of family violence, or for the applicants or children to undergo programmes to enhance their protection and safety.</p>	<p>LSS welcomes this amendment, as this acknowledges that therapeutic intervention is often required to solve family violence issues. It would be good to be clear as to the terminology used – programmes, treatments, interventions, trainings etc., so that there is clarity between all users of the system.</p>
9)	<p>Disallow applications for the revocation of PPOs where the counselling order has not yet been completed.</p> <p>The proposed amendment will ensure that the counselling order is duly completed and the parties to a PPO receive the necessary rehabilitation, before the application for a PPO revocation is considered.</p>	<ol style="list-style-type: none"> 1. LSS welcomes this amendment. 2. However, it would be good for the Court to understand the reasons behind the lack of completion of counselling. <ol style="list-style-type: none"> (a) For example, could the counsellor be ill-equipped to support the relevant respondent? (b) Conversely, is the implication that a PPO may be revoked if a counselling order has been completed? A respondent may “go through the motions” of attending counselling, but such “counselling” may not be sufficient to fully address the underlying mental health issues of the respondents. (c) Would there be safeguards in place to support and encourage attendance?
10)	<p>Raise the maximum penalties for the breach of a PPO, an EO, or a domestic exclusion order to align with the penalties for a breach of a protection order under the Protection from Harassment Act.</p> <p>The maximum penalties for the breach of PPOs, EOs, and domestic exclusion orders against persons who are not vulnerable adults have not been amended since 1996.</p>	<p>LSS welcomes this amendment, to protect victims of family violence. However, clarification is required to understand if “vulnerable adult” is defined as the definition under the Vulnerable Adults Act, and whether children may also be included in the 1st category of subsequent breaches, <i>i.e.</i> up to \$10,000 fine or 18-month imprisonment, or both.</p>

S/N	Amendment	Comments (if any)
	<p>The proposed amendment will raise the penalties for the breach of a PPO, an EO, or a domestic exclusion order under the WC to be minimally aligned to the penalties for a breach of a protection order under the Protection from Harassment Act. In particular, the MSF proposes raising the penalties of the breaches as follows:</p> <ul style="list-style-type: none"> - For first breach: Up to \$10,000 fine or 12-month imprisonment, or both. - For subsequent breaches: <ul style="list-style-type: none"> o <u>For orders relating to a vulnerable adult:</u> Up to \$10,000 fine or 18-month imprisonment, or both. o <u>For orders not relating to a vulnerable adult:</u> Up to \$10,000 fine or 12-month imprisonment, or both. 	
11)	<p>Strengthen the enforcement approach for breaches of counselling orders and take a strong enforcement approach for the new additional orders (<i>i.e.</i> non-access orders and non-visitation or non-communication orders) that can be made when or after a PPO is made.</p> <p>Presently, persons who breach counselling orders related to a PPO do not commit any criminal offence, and are not subject to enforcement action (e.g. prosecution in Court). Instead, the PPO applicant will need to initiate legal committal proceedings to take the PPO respondent to task for failing to comply with the counselling order.</p> <p>The proposed amendment will either criminalise the breach of a counselling order and mandatory assessment and treatment order, or take another form of stronger enforcement against the breach of such orders (e.g. a designated party initiating legal committal proceedings against the person who breached the order).</p> <p>MSF is also proposing for the breaches of non-access orders and nonvisitation or non-communication orders to be introduced (see S/N 1) to be made arrestable criminal offences, as these orders directly affect the safety of survivors of family violence.</p>	<ol style="list-style-type: none"> 1. LSS welcomes this amendment, to protect victims of family violence, by criminalising the breach of counselling orders and mandatory assessment and treatment orders. However, it is important to understand the reasons for failure to comply, since the mental health issue in itself may cause the perpetrator difficulty in complying or there could be some other valid reason for such failure. 2. Furthermore, there are serious concerns that the proposed amendment for the breaches of non-access orders, non-visitation orders and non-communication orders will be made <u>arrestable</u> criminal offences may be somewhat draconian, especially if there is no likelihood of harm.

S/N	Amendment	Comments (if any)
12)	<p>Empower enforcement officers to perform their duties, such as investigating the breaches of new orders (<i>i.e.</i> non-access orders and non-visitation or non-communication orders) that MSF proposes to introduce in the WC.</p> <p>The proposed amendment will empower the enforcement officers to perform the following duties:</p> <ul style="list-style-type: none"> - Enter, inspect, and search premises; - Photograph or make records of any premises or person or thing at the premises; - Inspect and make copies, seize, or require a person to give access or produce any document or thing; - Require a person to answer any question to the best of the person's knowledge; - Carry or have in possession any truncheon, handcuffs, or other similar means of restraint for the purposes of executing his or her duties; and - Arrest, without warrant, any individual reasonably suspected to have committed an offence, search the person arrested and place in safe custody all articles found on him. 	<ol style="list-style-type: none"> 1. LSS welcomes this amendment, to protect victims of family violence. However, there are concerns which we hope may be addressed: <ol style="list-style-type: none"> (a) It is unclear who "enforcement officers" are, and if they are CISCO officers and police officers. Are "enforcement officers" trained to conduct searches, collect evidence etc. as well as ensure that their approaches are trauma-informed, so as to not re-traumatise the individuals involved? (b) This is especially since they will be empowered to "require a person to answer any question to the best of the person's knowledge". (c) If not, would the roles of "enforcement officers", CISCO officers, and police overlap? Currently, there are concerns that police officers do not do enough to support victims of family violence. (d) There is a concern regarding the power to arrest without warrant, and whether such powers may be too draconian. <p>Where would a perpetrator be brought to after being handcuffed and arrested? A police station?</p> (e) How can the exercise of powers by "enforcement officers" be reviewed? What mechanisms will be in place to ensure that there are proper checks and balances against abuse?
Enhance protection for women and girls under 21 years who are under DGSW's protection		
13)	<p>Empower the DGSW to produce a woman/girl for medical, dental, or psychological assessment and treatment where necessary, during her commitment to the care of a fit person or detention in a Place of Safety.</p> <p>Presently, section 160 of the WC empowers DGSW to detain women and girls under the age of 21 years in a Place of Safety, or to the care</p>	<ol style="list-style-type: none"> 1. Whilst the amendment is welcome, there is a concern that boys under the age of 21 years would not be protected. 2. Will boys be provided the same protection under Children & Young Persons Act 1993 or other legislation? It is proposed that boys under the age of 21 be also provided the same protection.

S/N	Amendment	Comments (if any)
	<p>of a fit individual, if they are in need of protection. Examples include cases of women and girls under the age of 21 years who have been illtreated by their parents.</p> <p>Some of these women/girls may require medical, dental, or psychological treatment when they are under DGSW's protection. For instance, there have been cases involving females under DGSW's protection who were suicidal, and required psychological/psychiatric assessment and psychiatric interventions. As the women/girls are under the age of 21 years, parental consent is required before medical interventions are made. However, in some cases, the parents or legal guardians of the woman/girl may refuse to consent to such assessments or treatments, although it would be in the best interest of the woman/girl.</p> <p>The proposed amendment will empower DGSW to produce a woman/girl for medical, dental, or psychological assessment and treatment where necessary, during her commitment to the care of a fit person or detention in a Place of Safety.</p>	
14)	<p>Empower the Court to hear applications for and grant “takedown orders” to remove published information about the location of a Place of Safety or identity of a resident in a Place of Safety.</p> <p>Presently, it is an offence to publish or broadcast any information or picture that is likely to lead to the identification of the location of a Place of Safety or any resident of a Place of Safety, without the DGSW's approval. However, the Court is not empowered to make a takedown order on the unauthorised publications and broadcasts.</p> <p>The proposed amendment will empower the Court to hear applications for and grant “takedown orders” requiring the removal of any unauthorised publications and broadcasts.</p>	Agree, no comments

S/N	Amendment	Comments (if any)
Other Amendments		
15)	<p>Protect persons who report suspected family violence cases from any criminal or civil liability in respect of the notification, if he or she has acted in good faith and with reasonable care.</p>	<p>1. Agree, more education is needed so that the public knows how to identify family violence, especially since the MSF view of family violence differs from the legal view of family violence.</p> <p><i>E.g.</i></p> <p>(a) Physical punishment in the course of “correction” may be allowed in law, when it is clear that MSF materials on their website does not advocate any form of physical punishment. There is plentiful medical / psychological literature on the harm of physical punishment on children as a form of discipline, and hence MSF rolls out parenting programmes which do not advocate physical punishment but positive parenting. This lack of alignment may cause confusion to the public, if individuals do not make a report because they make their own assessment that parents are allowed to physically discipline their children.</p> <p>(b) This may be contrasted with jurisdictions where the legal and social welfare system is aligned as regards physical punishment towards children, and the position is clearer. For instance, the Australian government clearly does not encourage physical punishment due to the adverse effects on children, but also has very clear guidance on the legislation and the limited circumstances where parents are allowed to use physical punishment on their children:</p> <p>https://aifs.gov.au/cfca/publications/physical-punishment-legislation</p> <p>(c) Of note is that 63 states have passed laws to fully prohibit corporal punishment, and 26 more states have committed to reforming their laws to achieve a complete legal ban.</p> <p>https://endcorporalpunishment.org/countdown/</p>

S/N	Amendment	Comments (if any)
		(d) It is thus proposed that Singapore considers amending section 64 of the WC to delete the words “by way of correction towards a child below 21 years of age”.
16)	Remove the term “mental defective” and define the group of women to be protected.	Agree, no comments
17)	Clarify that the detention or commitment of an unmarried woman/girl for her safety is only until she attains the age of 21 or marries.	There is a concern that women who are married but below the age 21 deserves equal protection, for her safety, and would not be protected by this amendment.
18)	Repeal provisions that permit the removal/reception of women or girls to/from Places of Safety in Malaysia, Brunei Darussalam, or Hong Kong.	Agree, no comments
19)	Allow Minister to establish or remove Places of Safety by way of a Gazette notification, instead of a subsidiary legislation.	Agree, no comments

Additional comments:

1. In addition to our specific comments above, it is clear to LSS that an education campaign is needed for lawyers and the public at large to understand how the MSF and its officers support family justice in the area of family violence. This will promote access to justice and encourage reporting. More education is needed to understand how the role of appointed protectors, enforcement officers and volunteer welfare officers support the family justice system. Further, it is unclear how DGSW, appointed protectors, child protection services and the police work together in handling family violence complaints. Proper procedures should be made known to the public.
2. For instance, when CPS investigations are in place due to allegations of violence against children, CPS may delegate the case to other bodies (e.g. PAVE) to manage the case. There is no clarity on how such assignment of cases are made and how the delegation of services is determined. It is unclear if PAVE reports back to CPS, MSF and the police. Since these authorities are involved, their efforts in managing the case should be coordinated. It is unclear if the proposed amendments will address this issue and streamline the processes and different channels towards a holistic management of such cases. Further, it would be helpful to understand how a matter may be referred to the DGSW and their appointed protectors by professionals. How can the take-up rate be enhanced by allowing medical professionals, counsellors, teachers and other professionals working with vulnerable persons including children to alert the DGSW?

3. It would be good to understand whether there is guidance (or a checklist) for potential 1st responders such as doctors, teachers, counsellors (in educational or clinic settings), police officers, as well as lawyers. In addition, 1st responder training would be required to equip all 1st responders to (1) know how to identify potential family violence and what to do about it; (2) how to obtain the relevant information to support the potential victim in the making of the complaint without re-traumatising them; and (3) mental health support for the 1st responder so that they themselves do not suffer from secondary trauma and/or transference of trauma.
4. There is also a serious concern about how unmarried persons are being offered different rights from the regime under the WC, and whether that would be fair, and whether there should be separate legislation which protects all victims of family violence, even within an unmarried couple. For example, a child would receive protection from the Family Justice Courts, but not his mother if she is not legally married to his father. This creates an inconsistency as to how individuals are protected from violence, and ought to be reviewed. It is proposed that the law be reviewed to ensure that all family units can receive equal protection from family violence. The class of individuals under the WC to be protected as family members ought to be expanded, which currently only consists of a person's:
 - (a) Spouse or former spouse
 - (b) Child, including adopted and stepchild
 - (c) Father or mother
 - (d) Father-in-law and mother-in-law
 - (e) Brother or sister
 - (f) Any other relative or incapacitated person the court regards as their family member.¹
5. In view of the above concerns about the level of protection provided to boys, young girls under the age of 21 who are married, and other individuals who may not be protected by the Women's Charter, there is a need to consider whether there should be stand-alone legislation protecting all potential victims of family violence. Next, in view of legal developments internationally regarding coercive control and financial abuse, the MSF should consider whether it is time to review the definition of "family violence" as currently legislated.
6. In view of the serious implications of a breach of a PPO and related Orders, there are concerns that litigants-in-persons have ended up consenting to a PPO based on information that they have received from their mandatory short court counselling session, without understanding the full legal ramifications of a breach of the very PPO they consented to.

¹ s 64 of the Women's Charter 1961 (2020 Rev Ed).

7. Further, in view of the increasing powers for MSF officers / the protectors, what checks and balances, and measures are in place to ensure that there isn't an abuse of the system, and complaints are not made frivolously or for improper purposes?
8. Lastly, it would be ideal if iFams should somehow be integrated into eLitigation so that users of the Family Justice System will have ability to review the entire court file.
9. We thank you for your kind consideration of our comments. Please feel free to get in touch if you would like to discuss the above.

Family Law Practice Committee
The Law Society of Singapore