

Dear Committee Secretary

As the Director of the Australian Domestic and Family Violence Clearinghouse (the Clearinghouse), I am writing on behalf of our organisation to express our support for the proposed amendments to the Family Law Act proposed in the Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011.

While we support these proposed amendments and commend the Attorney General for the efforts of the government to support vulnerable women and children by through these proposed amendments we urge further consideration be given to other measure to improve the the bill and provide stronger protection measure for vulnerable women and children.

Our organisation strongly support the measures proposed in the Bill to provide better protections for people who have experienced family violence within the family law system and believe that the proposed amendments are essential to placing the safety and protection of children and family members at the forefront of the Family Law Act. Support for key changes

The research commissioned by the Government as well as a substantial amount of other based evidence research, including that carried out by our own organisation, attests to the need to provide the strongest possible supports and protection for women and children escaping violence to enable them to reestablish themselves in a life free from violence, that is economically secure and allows the woman and her children to flourish and reach their potential both in terms of their own lives and in terms of the contribution they are able to make by their full inclusion and participation in society.

The Clearinghouse strongly support

- Broadening the definition of 'family violence' to include elements of coercion and control, a wider range of behaviour and removing the objective test of 'reasonableness' so that family violence can be properly considered whenever the victim actually fears for their safety
- A broader definition and understanding of child abuse that includes exposure to violence and consequences of this exposure
- Prioritising family violence when considering what is in the best interests of the child
- Removing the 'facilitation' aspects of the 'friendly parent provision'
- Repealing section 117AB about costs orders relating to false allegations or denials of violence

In addition we would like to see the bill further strengthened by other amendment that would facilitate additional protection for women and children

We propose that:

- The safety and protection of children should be prioritised above all else.
- The presumption of equal shared parenting be overturned, particularly where there are allegations of domestic violence or child abuse. Each case needs to be wi individually assessed to gauge the safety of both the woman and her children which is often jeopardised by ongoing contact with the abuser.
- The Act should make it clear that exposure to family violence is a form of family violence and that it applies to behaviour by the person perpetrating violence, and not the victim of the violence.

- The Act should protect the safety of the primary carer as this increases children's safety.
- The Act be amended to limit the potential for ongoing vexatious litigation by the abuser which in itself is a form of abuse and contributes to the ongoing unwanted and potentially dangerous contact between the perpetrator and the victims of the violence.

The Clearinghouse strongly urges the Committee to support the proposed amendments and to act courageously and further strengthen the proposed bill to ensure that urgently needed measures are put in place to support women and children who need every possible support to escape from lives governed by fear, violence, poverty and social exclusion.

We look forward to the outcome of this process and the successful passing of an effective and courageous Bill.

Best wishes
Gaby

Gaby Marcus
Director
Australian Domestic and Family Violence Clearinghouse

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