



27/4/2011

Committee Secretary
Senate Legal and Constitutional Committees
PO Box 6100
Parliament House
Canberra ACT 2600

Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011 [Provisions]

I am writing to you on behalf of the Armadale Domestic Violence Intervention Project Inc (ADVIP) a collection of around twenty one government and non government agencies working collaboratively together in providing an integrated interagency response to domestic and family violence. ADVIP began in 1993 when local government and non government agencies in our area were invited to send representatives to consider a community approach to domestic violence that would increase victim safety, perpetrator accountability and the protection of children and young people.

Based on a community intervention model that was functioning successfully in Duluth, Minnesota, this model was selected for its innovative approach to the enormous social and economic cost of domestic violence. It challenged the prevailing notion that domestic violence was a private matter and effectively framed some forms of domestic violence as a criminal act requiring a criminal justice response.

The Armadale Domestic Violence Intervention Project welcomes the Family Law Amendment (Family Violence) Bill, which if passed will provide some important protections against family violence, including placing a greater emphasis on the importance of children's safety, and more clearly defining family violence (in line with the Australian Law Reform Commission's recent recommendation) and child abuse to make it clearer to courts and the community what sorts of behaviours are included. It would also remove some provisions that deter family violence from being reported, namely the mandatory costs provisions and part of the so-called 'friendly parent' provision.

Patron
The Hon David K Malcolm AC QC

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The Armadale Domestic Violence Intervention Project strongly encourages the committee to support this Bill and in addition, insist that further amendments to the Family Law Act are required in order to ensure that the safety of women and children is not jeopardised within the family law system:

- Firstly, it is of utmost importance that the safety of children should always come first - there should be no limitations on this.
- Secondly, noting that the current Bill does not touch in any way on the presumptions regarding equal shared parental responsibility or the requirement for the courts to consider equal, or substantial and significant time, we stress that there should be no presumptions in family law with regards to caring arrangements - each family is unique with distinct needs and should be treated accordingly.
- Thirdly, the safety of primary carers should receive greater protection under the Act as the safety of children is greatly affected by the safety of their primary carers.

Three independent reports by the Australian Institute of Family Studies (AIFS), Professor Richard Chisholm and the Family Law Council recently found that the family law system is not adequately protecting women and children from family violence and abuse. The studies show that family violence is prevalent during the separation period. Physical or emotional abuse is reported by nearly two thirds of women going through separation, and over 50 per cent of parenting matters in the family law courts involve serious allegations of family violence and/or child abuse.

A 2007 AIFS study indicates that false allegations of family violence and/or child abuse occur in a very small number of cases. In contrast, the 2005 ABS survey on personal safety found that nearly two-thirds of women who experience violence at the hands of their current or previous male partner do not report it to the police. It is the Armadale Domestic Violence Intervention Project's collective experience of the past eighteen years that women in all levels of socio economic circumstances do not report because of fear, shame and embarrassment suffered. It is also our collective experience that many women and children live in constant trauma and consequently find that their capacity to realise any potential well being is severely affected.

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The Armadale Domestic Violence Intervention Project sincerely hopes that the committee will support this Bill as well as other required reforms to the Family Law Act in order to ensure that our family law system does not jeopardise the safety of women and children.

Kind Regards,

Angie Wragg BSW

Coordinator

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