



# Support Help & Empowerment Inc

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

Email: [familyviolencebill@ag.bov.au](mailto:familyviolencebill@ag.bov.au)

28 April 2011

Dear Committee Secretary

## **Re: Family Law Legislation Amendment (Family Violence and Other Measures) Bill**

We are writing to express our support for the changes to the *Family Law Act* proposed in the Family Law Legislation Amendment (Family Violence and Other Measures) Bill, and to recommend that further changes be made to the Bill to ensure that the family law system does not jeopardize the safety of women and children.

We strongly support the Federal Government's moves 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 place safety and protection of children and family members at the forefront of the *Family Law Act*.

We support the measures proposed by 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 replacing the safety and protection of children and family members at the forefront of the *Family Law Act*.

S.H.E. is a non-government organization funded through the Department of Health and Human Resources in Tasmania. We provide free and confidential counseling for women experiencing or who have experienced abuse in a relationship via: individual counseling (face-to-face or telephone), support groups, community education, information and referrals, and a place for women to talk about their situation. S.H.E. has provided these services for the Hobart community for twenty-one years.

Our purpose is to empower women to take greater control of their lives and thus, the lives and wellbeing of any dependent children. Through the work we do we are very aware of the issues women face when dealing with separation from a partner, arrangements for children and family violence.

In particular, we strongly support:

- Broadening the definition of ‘family violence’ to include elements of coercion and control, a wider range of behavior and removing the objective test of ‘reasonableness’ so the 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,
- Prioritizing family violence when considering what is in the best interests of the child,
- Removing the ‘facilitation’ aspects of the ‘friendly parent provision’ and,
- Repealing section 117AB about costs orders relating to false allegations or denials of violence.

### **Further changes that are needed**

We believe that a number of further changes are necessary to better protect the safety of children and their family in the family law system. In particular, we recommend that:

- The safety and protection of children should be prioritized above all else. Its priority should not be subject to proving an inconsistency with other considerations,
- The Act should make it clear that exposure to family violence is a form of family violence and that it applies to behavior by the person perpetrating violence, and not the victim of the violence,
- There should be no presumptions in family law – every family should be treated as unique. This means that there should be no presumption of equal shared parental responsibility and the courts should not be required to start from any particular care arrangement.
- The Act should protect the safety of the primary carer as this increases children’s safety.

### **Conclusion**

Based on our 21 years of experience in the field of domestic violence and the evidence presented in numerous research reports over the last few years, counselors and other staff at S.H.E. strongly recommend you support the amendments suggested in this letter and the expeditious passage of the Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011.

Sincerely,

Jane Withers (counselor)  
On behalf of S.H.E. Inc.