

13th April 2011

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

Email: legcon.sen@aph.gov.au

Dear Committee Secretary,

Family Law Legislation Amendment (Family Violence and Other Measures) Bill

I'm writing to support the changes to the Family Law Act proposed in the Family Law Legislation Amendment (Family violence and Other Measures) Bill 2011, and to recommend that further changes be made to the Bill to ensure that the family law system does not put the safety of women and children at more risk.

I strongly support the measures proposed in the Bill to provide better protection for all the people who have experienced family violence within the family law system and I 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.

A brief on my personal experience:

Support for Key changes

I 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. My eldest son witnessed a lot of arguments, yelling and crying
- Prioritising family violence when considering what's in the best interests of the child.
- Removing the 'facilitation' aspects of the 'friendly parent provision'. The mother or primary care giver has the right to protect her child from harm.

Further changes that are needed

I 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, I recommend that:

- The safety and protection of children should be prioritised above all else. Its priority should not be subject to proving 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 behaviour 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 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 and emotional wellbeing and health.
- Shared time should not apply in matters involving very young children (eg.under 3) or matters involving high parental conflict or family violence.

Conclusion

Based on my own experiences and the research that I've done and the evidence shown in the numerous reports over the last few years, I strongly recommend you support the amendments suggested in this letter and the expeditious passage the Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011.

Yours Sincerely