

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

Dear Committee Secretary.

Penrith Domestic Violence Services is 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 2011, 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 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.

As a service who provides support to women and children escaping Domestic Violence we work with women who are forced under the current family law act to share custody of their children with a father who has shown little respect for his children's wellbeing by being emotionally and physically abusive to their mother in front of the children.

We believe that the McClelland Report's changes to the redefinition of Family Violence will result in safer options for parents and their children, as the Family Law Court will recognize all aspects of family violence.

We believe that by putting the right of a child to be safe as a priority above the concept of having a 'meaningful' relationship with each parent will help to protect children who enter the Family Law system.

In particular, we strongly support

- Broadening the definition of 'family violence' to include elements of coercion and control, a wider range of behaviours 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

- 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

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 support that:

- The safety and protection of children should be prioritised 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.
- We also support any forthcoming measures that would see Federal and State Laws work together in partnership, where state AVO protection orders are taken into account in Family Law.

Based on my our services experience and the evidence presented in numerous research 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,

Penrith Domestic Violence Service's