

Committee Secretary, Senate Committee on Legal and Constitutional Affairs
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Dear Secretary

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

I write to oppose this Bill.

These proposed reforms will cause a more adversarial approach in the Family Law Court, and that is not a good outcome for children.

Since the rather modest reforms for the Family Law Act were implemented in year 2006, NSW statistics show reductions in child homicides and reductions in violence. These proposed reforms seem to undo the good measures in the 2006 reforms.

These proposed reforms will make it easier for women to make false or exaggerated accusations against men and vice versa. I am aware in my personal experience (not in my family, but in the families of friends and colleagues) of numerous examples where women have made false accusations against their ex-partner men, and I am aware of one case where a man made false accusations against his ex-wife. These sorts of false accusations cause stress to children, long delays in working out custody and access arrangements and also waste lots of taxpayers' moneys. This Government should be aiming to get a balanced budget and that means reducing wastage of taxpayers' moneys.

At present if somebody makes a false accusation then she or he can be held responsible and there are penalties. There should be as the Minister said in his speech "fear of being saddled with a costs order for reporting family violence to the courts". Removal of such fear of consequences of making false or exaggerated accusations can only lead to an increase in false or exaggerated accusations being made – and that will waste taxpayers' moneys and is not in the interests of fairness, justice nor in the best interests of children.

These proposed reforms will make it harder, not easier, for both parents to have access to their children.

The Minister rightly states, "This government continues to support shared care and a child's right to a meaningful relationship with both parents." (my emphasis added). Unfortunately the Minister may not realise that this Bill will not make it easier for a child to have a meaningful relationship with both parents.

Yours truly

Mr Alexander Cornell Stewart
submission to senate ctee 2011apr29.doc