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25th of June 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 2011

The Canberra Rape Crisis Centre thanks the Committee for the opportunity to make a submission on changes to the *Family Law Act* proposed in the draft *Family Law Amendment (Family Violence) Bill 2010*.

The Canberra Rape Crisis Centre Inc (CRCC) is a community based Sexual Assault Service that has been in operation since 1976. The Canberra Rape Crisis Centre is part of a global network of Rape Crisis Centres. CRCC provides a 24 hour crisis call out service for victims of sexual assault to police and forensic services, a 24 hour crisis telephone service, groups, counselling and professional consultation to men, women and children whose lives have been affected by sexual violence, and their supporters. Our client group includes women and families from a range of different backgrounds, including families from culturally and linguistically diverse backgrounds, Aboriginal and Torres Strait Islanders, people with disabilities, drug and alcohol issues and mental health issues, people who are homeless, and people who have suffered complex trauma.

CRCC strongly supports the Federal Government's moves to provide better protections for people who have experienced family violence within the family law system. The proposed amendments are an essential first step to place safety and protection of children and family members at the forefront of the *Family Law Act*.

Based on our (anecdotal) experience with clients since the 2006 amendments, CRCC submits that there are further amendments to the Family Law Act which are necessary to implement the intentions of the Federal Government in an understandable and consistent way. A number of our clients, who are children who have been referred to CRCC with sexual assault issues, where allegations have also been made against one of the parents, of child sexual assault, and there are also Family Law proceedings occurring increases the complexity of client issues, client distress and appropriate interventions possible. The assumption of "equal shared parental responsibility" has sometimes forced mothers to place their children in the care of the "accused parent" before the investigation of child sexual assault has occurred. This creates enormous grief for a non-offending parent and fear of further harm to the child. Research has shown that very young children rarely lie about sexual abuse, nor do they have the capacity to lie. Statistics show that in 98% of cases, children's statements are found to be true. In the current Family Law provisions the capacity to protect a child who has disclosed child sexual assault are seriously diminished.



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In 2007 the estimated cost of child abuse in Australia (including sexual assault, was 13.7 billion dollars, but could have been as high as 38.7 billion dollars (Child Abuse Prevention Research Australia). This does not include the long term cost of burden of disease, through lack of intervention and the long term health impacts of growing up in an environment where there is child sexual assault and family violence.

In CRCC's opinion there are three ways in which the government can address Family Law concerns:

- a. By supporting victims of family violence as they navigate the family law pathways, through a specialist awareness of the dynamics and impacts of family violence and child sexual assault ; and
- b. By having a streamlined risk identification and assessment process for family violence that includes child sexual assault; and
- c. Implementing an ongoing training and education program for judicial officers, court staff and others involved in the family law system specifically dealing with family violence, including sexual assault and the impact upon children and parenting arrangements.

Please do not hesitate to contact me if you wish to discuss this further.

Yours Sincerely

Chrystina Stanford
Acting Executive Officer

