

Dear Committee Secretary,

FAMILY LAW LEGISLATION AMENDMENT (FAMILY VIOLENCE AND OTHER MEASURES) Bill 2011

Gosnells Community Legal Centre would like to thank 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*.

Our Centre strongly supports moves by the Federal Government to provide better protections for people who have experienced family violence within the family law system. The proposed amendments are a crucial first step towards placing the safety and protection of children and family members at the forefront of the *Family Law Act*.

In particular, we 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
- 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

Our experience with clients since the 2006 reforms to the Family Law Act indicates that further amendments are necessary to adequately implement the intentions of the Federal Government and ensure that children and their carers are protected from family violence and child abuse.

In particular, we recommend 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 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 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. (this assumes that the primary carer is not the perpetrator of the violence).

Based on our experience and the evidence presented in numerous research reports over the last few years, our Centre strongly recommends that 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,

Lorraine Taylor
Family Law Solicitor
GOSNELLS COMMUNITY LEGAL CENTRE INC.
Ph: (08) 9398 1455 (public) Fax: (08) 9490 1265
Mail: PO Box 226 Gosnells WA 6990
Email:
Web: www.gosclc.com.au

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