

Thursday 31st March 2011

Committee
Secretary

Senate Legal and Constitutional
Committees

Parliament House
Canberra ACT 2600
Australia

Email: legcon.sen@aph.gov.au

Email:

To Whom This May Concern,

Re: Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011

I am writing to express my support for the changes to the Family Law Act proposed in the draft Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011.

I strongly support the Federal Government's moves 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 place safety and protection of children and family members at the forefront of the Family Law Act.

My own experience with the family law system is only just beginning and already I am fully aware of the way in which those who wield abusive and bullying tactics are able to use the system to their advantage to gain what they want – which is simply to continue to hurt the other party.

For the years we were married, I was subjected to increasing emotional and psychological abuse at the hands of my daughter's father. I have since read that emotional abuse is like brain washing in that it systematically wears away at the victim's self confidence, sense of self worth, trust in their own perceptions, and self concept. Whether it is done by constant berating or belittling, by intimidation or under the guise of "advice" the

results are similar. Eventually the recipient of the abuse loses all sense of self and remnants of personal value. Emotional abuse cuts to the very core of a person, creating scars that may be far deeper and more lasting than physical ones. (Engel, 1992)

This could not describe what has happened to me more accurately. I am left with no way to prove the abuse other than my constant personal battles with anxiety and panic, lack of trust, introversion and fragile self esteem. It has affected my entire being. I am only lucky enough to have a wonderful support system of friends and family who have helped me survive this and rebuild myself. Yet there does not seem to be anything within the current law system which can stop my ex husband from continuing his reign of terror by using the law to bully, demand and pursue even more access to time with our daughter, despite the fact that he already has shared parental responsibility,

. He is not pursuing further time with our child because it is in her “best interests” but because he wants to continue to cause me pain and suffering. He believes that he can do what he wants with his daughter because it is his right, the law supports him and I can do nothing to stop him.

My daughter, who is years old, is exposed to her father’s while in his “substantial and significant” care yet I have been told again and again by various authorities that I can do nothing about it unless something physically harmful happens to her whilst in his care. The fact that I am forced to leave her there

– I have been told none of these is “enough” to warrant any action against him.

For my daughter, long term exposure of this sort, in addition to witnessing how I have been and continue to be treated, means very high risk of psychological harm and of her repeating these addictive patterns in her teenage and adult life,

If I withhold her from seeing him, regardless of my fears for her safety and long term well being, I will be seen, under current laws, as the “unfriendly” parent and he will gain more access. Because the abuse has been insidious, the public view is to downplay its seriousness and deem it as invalid in comparison to the more obvious abuses prevalent in society. In cases such as mine, unfortunately, the family law system is simply not working well enough to protect women and children.

Key changes I support

In particular, I strongly support:

* Broadening the definition of ‘family violence’ to include 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. I also see it as extremely important to include *all* types of violence and abuse – there is not one that is more valid or

defensible than the other. Any sort of abuse against women and children is wrong. Inclusion of emotional abuse indicators and examples within the definition of “family violence” need to be included and would go a long way in protecting my daughter and myself.

- * Prioritising family violence when considering what is in the best interests of the child
- * Removing the friendly parent provision
- * Repealing section 117AB about costs orders
- * Taking children’s rights into account – my daughter has a right to live and be cared for in a safe environment free from drug and alcohol abuse, yet she will not be granted this right unless she is physically harmed while being in the unsafe environment.
- * A broader definition and understanding of child abuse

Further changes that are needed

I believe that there are a number of changes needed immediately that have not been addressed in the Bill. I urge you to consider amendments to:

- * The presumption of equal shared parental responsibility.
- * The concept of equal shared parental responsibility.
- * The link between equal shared parental responsibility and equal time/substantial and significant time arrangements.
- * The “one size fits all” approach in which it is assumed that equal time and substantial and significant time arrangements are best for children. Each child and the situation in which they come from is entirely different. What works for one will not work for another and every case should be handled with sensitivity and much thought for that individual child’s best interests.

Conclusion

I urge the Federal Government to act now in response to the evidence-based research the Federal Government commissioned in the past 24 months and the promises the Government has made to address the serious problem of family violence in the family law system. I strongly recommend the Federal Government pass this Bill expeditiously with my suggested amendments.

I thank you for considering my submission.

Yours sincerely,