

April 9th 2011

Committee
Secretary

Senate Legal and Constitutional
Committees

Parliament House
Canberra ACT 2600
Australia

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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 for my
I have been through Family law with my but this
matter did not involve domestic violence, however

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.

I am also aware through my own personal experiences and on hearing others
experiences that the current Family Law Act is more focused on the best
interests of the father, rather than the proposed "best interests of the
child/ren".

The relationship with

father was very short term due to

increasing emotional and psychological abuse. 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).

Attempts were made for mediation and it was deemed inappropriate due to the domestic violence.

If I withhold him from seeing him, regardless of my fears for his safety and long term well being, I will be seen, under current laws, as the "unfriendly" parent. Whilst I agree that parents who are able to demonstrate that they have the child's best interests at heart and can demonstrate that they are able to provide consistent and appropriate care for a child, then there is no issue, however, not everyone fits the same mould yet the laws are one size fits all.

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
- * Taking children's rights into account – my son/s have the right to live and be cared for in a safe environment free from drug and alcohol abuse, yet they will not be granted this right unless they are 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 are 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.

Regards,