



ABN: 24001347691

Tripoli and Mena Association

With You Through All Stages Of Your Life

27 April 2011

Committee Secretary
Senate Legal and Constitutional Committees
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Committee Secretary,

Family Law Legislation Amendment (Family Violence and Other Measures) Bill

My name is Sarah Kamhieh and I am the Arabic Community Worker at the Tripoli and Mena Association. Tripoli and Mena Association is a community based organisation established in 1975 to serve the needs of the Arabic speaking community. Some of our services include but are not limited to: Centre Based Day Care, Community Hub, Community Aged Care Packages, Social Welfare Centre, Community Partners Program, and the Arabic Aged Centre.

I am writing to express my support to the current amendments of the *Family Law Act* as detailed in "*Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011*". I believe the new changes will make a significant difference in improving the safety of families and children from family violence. As a community, we must unite to protect the vulnerable and strive to initiate changes within society in doing so. A first step is making changes to current legislation, as demonstrated in the current bill.

Along with the current changes to the bill, I recommend a further amendment be made to sustain the safety of Australia's children; our children. I strongly support the notion of the 'best interests of the

child' to also take into consideration the factors which will be outlined in the following. In doing so, the law would address family violence situations by evaluating the child's potential home environment prior to making a final decision.

www.tripolimena.org.au

Social Welfare Centre

48 - 50 Taylor Street, PO Box 130
Lakemba NSW 2195
T: 02 9758 1366 F: 02 9740 6057
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Arabic Aged Centre

54A Railway Parade, PO Box 130
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Arabic Australian Childcare Centre

48 - 50 Taylor Street, PO Box 130
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In section 60B of the new bill, it states that the focus is the best interests of the children, which includes:

- (a) Ensuring that children have the benefit of both of their parents having a meaningful involvement in their lives, to the maximum extent consistent with the best interests of the child; and*
- (b) Protecting children from physical or psychological harm from being subjected to, or exposed to, abuse, neglect or family violence; and*
- (c) Ensuring that children receive adequate and proper parenting to help them achieve their full potential; and*
- (d) Ensuring that parents fulfil their duties, and meet their responsibilities, concerning the care, welfare and development of their children.*

If one parent has caused psychological, emotional, financial or physical harm to their child, then the law should be extended to protect children from having the perpetrator gain shared custody over them. By having shared custody over the child, the child's welfare is placed in jeopardy thus increasing the risks of abuse. The law can be expanded to give the jury the permission to choose the right home environment for the child by analysing the family violence history and determining the safest territory to live in.

As a community worker, I am able to provide an example of a case in which this applies. One case involves my client having exited a family violence situation where both the perpetrator and the victim were seeking custodial rights in court. The perpetrator had caused much damage to the victim and his children; however he was seeking custodial rights. The current law would see both parties be given shared custodial rights over the children. But in the case of my client, her children's welfare would be jeopardised by the perpetrator and their welfare would lie in not having contact with the perpetrator

at all.

All in all, I am in support of changes to the Family Law Act however it is strongly recommended the current amendments expand so as to accommodate the mentioned recommendations.

Yours Sincerely,

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