

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

To Whom It May Concern:

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

I am writing to express my support for the family law legislation amendment (family violence bill) I strongly support this bill and feel this bill may help my children and others in similar situations going through the family law process

The current laws ensure that women and children are used in this system particularly in situations of domestic violence. There is no escape from these perpetrators and the system further endangers the lives of many good citizens and allows criminals to continue to abuse. This is evident in the Darcey Freeman Case. The thing is there are so many "Darcey Freeman" cases, waiting to occur and this system is currently allowing it to happen. People are speaking up and we need some one to listen, hopefully sooner than later.

The system tend to blame the protective parent for all the problems as a tactic for gaining that meaningful relationship at all costs. Well I believe children don't have a cost they have a right. A right to safety and a right to live. I say live because it is evident children are dying under the 2006 laws.

I welcome the changes and hope they benefit many families currently in the family law process trying to seek the best interests of their children with **safety the highest priority**.

I strongly support the changes relating to:

Placing the best interests of the children first.

. A broader definition and understanding of family violence and child abuse. This must include coercion, control and threats to partner and others (including pets) Stalking is a serious form of violence and endangers victims in many ways. Exposure to Family violence needs to remain in the bill even though it can be seen as psychological abuse and neglect in the current system. The wording is just that "exposure to family violence". It is currently being undermined in the current system and children are being placed in violent situations to be psychologically abused because exposure to family violence is not broadly defined. This definition needs to remain.

. 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 relating to false allegations or denials of violence.

Including consideration of the UN Convention on the Rights of the Child

These changes are a first step and essential step in improving the protection of children involved in the family law process.

I still have very strong concerns about the following:

Judges still have too much discretion to make decisions which contradict the evidence and there is still too much reliance on the 'single expert'.

Removing a child from their loving parent who has usually been their primary carer and has done no wrong is child abuse. This is evident in the current system.

The adversarial system does not operate in the best interest of the child.

Too often, suppression laws disadvantage the innocent and protect the guilty. Justice must be done and must be seen to be done.

I also think there could be more changes to address the 'one-size-fits-all' approach of the Family Law Act. Despite massive evidence from years of academic and practical study, there is still no consideration of the differing needs and abilities of children of different ages, eg the vulnerability of very young children and the capacity for older children (from at least nine) to speak for themselves.

It is concerning that although the Bill states that the best interests of the child are a primary consideration, they are still numbered in second place in the Bill itself over children having a meaningful relationship with both parents. It must be clear that the safety and wellbeing of children is listed as the first consideration and therefore, given the highest priority.

I wish to see the removal of the presumption of equal shared parental responsibility and equal time, so that each child's situation can be viewed on a case-by-case basis.

I urge you to act now in response to the evidence-based research commissioned by current and Coalition governments.

Family breakdown, domestic violence and child abuse are unfortunately part of our society but family law should not add to the abuse and harm by making cruel and unreasonable orders. The law should not allow itself to be used as an instrument of bullying and coercion by vengeful parties who are not interested in the child but only in destroying the other parent. To quote Ovid "Laws were made to prevent the strong from always having their way".

I will continue to be proactive in fighting for a child's right to safety and ask if you could do the same, for all the children who are at risk in the family court system under the current family law act.

I have read other submissions and particularly the submission by Chief Justice Bryant in regards to when the new law should start if it were to be passed, the paragraph below is her statement.

*I appreciate that the effect on the Court arising from the proposed application and transitional provisions would dissipate over time. However, I believe that the potential difficulties I have drawn the Committee's attention to could be avoided by the Bill being amended to commence on Royal Assent or by proclamation and to apply only to those applications filed after the commencement date.*

I do not believe that this is in the best interests of children. The reason for this enquiry into the family violence bill is because the current law is not working particularly in situations where there is family violence. This is putting children at risk and if something were to occur someone would need to be held accountable. This will lead to another stolen generation in the future when children were neglected going through the family court to watch only a few months later other children are safe. This is unjust, unfair and unsafe. I believe there should be no date set. This law should be available to anyone entering the family law system including families who have been through the system and have had their cases determined. It is a human right to protect children from harm and children to feel safe. This seems some children will be under the banner of "Meaningful relationship with both parents before safety" It should be "safety before meaningful relationship" There are families in the system who have substantial evidence of family violence however under the current law they are at risk. Please consider all families entering the family court system, families in violent situations need not be neglected anymore, please pass the bill as soon as possible and make the law available to everyone in the best interests of children.

Yours sincerely,