

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

I am writing to express my support for the changes to the *Family Law Act* proposed in the Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011, and to recommend that further changes be made to the Bill to ensure that the family law system does not jeopardise the safety of children and parents who are victims of violence.

I strongly support the measures proposed in the Bill to provide better protection for people who have experienced family violence within the family law system and believe that the proposed amendments are essential to placing the safety and protection of children and family members at the forefront of the *Family Law Act*.

In my experience children living with domestic violence are already traumatized. We come along and remove them from the only support system they know thinking we are protecting them, when indeed the child feels as if they are the bad ones, and become even more traumatized. I believe it would be far better to remove the perpetrator from the scene enabling the child to remain in the only support system it knows and to provide assistance until other arrangements can be made thereby reducing the amount of distress for the child.

Support for key changes

In particular, I strongly support:

- Broadening the definition of 'family violence' to include elements of coercion and control, a wider range of behavior 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
- Prioritizing 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

Further changes that are needed

I believe that a number of further changes are necessary to better protect the safety of children

and their family in the family law system. In particular, I recommend that:

- The safety and protection of children should be prioritized 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 behavior 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.

Conclusion

Based on various evidence presented in numerous research reports over time, I strongly Recommend that you support the amendments suggested in this letter and the expeditious passage of the Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011.

Yours sincerely,

Form Letter received from ;

Janis Grauds

Mary Atkinson

Joshua Carmody

Wendy Carmody

Melanie Cook

Nicola Dawson

Samantha Foulston

Susan Clark

Karina Pintos Baftirovski

Ruth Evans

Julie Morris

Ashley Dean

Karith Massey

John Dean

Sarah Campling

Peta Rogers

Sonia Edwards

Jodi Rutherford

Sarah Wilkin

Rachael Thompson

Rachel Baker

Nick Adams

Kathryn Scott-Mackenzie