

# SACCLS

Submission No. 36

Date Received South Australian Council of  
Community Legal Services Inc.

15 JUL 2005

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Chairperson: Sandy Clark  
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15<sup>th</sup> July 2005

BY LACA  
The Secretary  
House of Representatives  
Standing Committee on Legal & Constitutional Affairs  
Parliament House  
CANBERRA ACT 2600

Dear Sir / Madam

**Re: Exposure Draft of the Family Law Amendment  
(Shared Parental Responsibility) Bill 2005**

The South Australian Council of Community Legal Services Inc (SACCLS) represents Community Legal Centres throughout metropolitan and rural South Australia. Our members include specialist services and general services that provide legal advice and representation to the most disadvantaged members of the community, those ineligible for legal aid, and those with special needs.

Our members work in diverse and sometimes specialist areas of law such as Environmental Law, Employment Law, Criminal Law, and Family Law, amongst others.

SACCLS is part of a National Association of Community Legal Centres (NACLC), the peak body for Community Legal Centres in Australia.

SACCLS would like to endorse the submissions of the National Network of Women's Legal Services and the Women's Legal Service (SA) Inc. Please find annexed hereto our comments regarding that endorsement and the proposed changes to the *Family Law Act 1975*.

Yours faithfully,

Marilyn Wright  
Secretary

## ANNEXURE

SACCLS endorses the submissions of the National Network of Women's Legal Services (NNWLS) and the Women's Legal Service (SA) Inc. in relation to the *Family Law Amendment (Shared parental Responsibility) Bill 2005*.

Our member organisations provide services to clients in a diverse range of areas and we are located in the metropolitan and rural areas. We work with people from diverse backgrounds and often with clients who reside in remote areas in South Australia.

We are concerned to ensure that those who find it difficult to access legal services and just outcomes for their legal problems are provided with advice and representation.

We are always mindful of the power imbalance in interpersonal and other relationships that creates inequality for one party in any dispute.

SACCLS therefore has concerns regarding the proposed changes to the *Family Law Act 1975*. We believe that the proposed changes will increase the vulnerability of children subjected to domestic and family violence, place victims of violence in situations of further risk to safety, and introduce a further tier, suggesting that already protracted family disputes will become more so.

We are also concerned that the well establish principles of the "best interest of the child" and the rights of the child will be compromised to maximise contact and "joint responsibility" which we believe will in all likelihood result in increased litigation.

We agree with recommendation 5 of the NNWLS submission that s61DA (presumption of joint responsibility) not be introduced.

We would like to see a presumption placed on perpetrators of violence to convince the Family Court that they are not a threat to the safety of children prior to any contact being granted by the Court.

We express reservations regarding the Family Relationships Centres.

We believe that proper consultation must occur, especially with Indigenous communities, communities from culturally and linguistically diverse backgrounds, and including lesbian and gay parents, prior to any legislative changes to the *Family Law Act*.

We believe that adequate legal aid funding and access to legal services for those navigating the court systems is imperative to ensure timely resolutions to family law matters and informing separating parents of their rights.

Removal of references to "residence" and "contact" and replacing them with "lives with" and "spends time with" are problematic.

SACCLS believes that the existing legislative provisions are sufficient to ensure the rights of grandparents or any other interested persons