

Submission regarding Proposed changes to the Family Law Act (Family Violence and Other Measures) Bill 2011

I deplore family violence, and I welcome changes to law and policing which offer further protection to victims of such violence.

However it has been suggested that there is a negative side-effect of the currently proposed changes which I would not like to see come into law.

Two of my personal friends are fathers who have been through divorce proceedings. In each case the mother mischievously and falsely alleged sexual abuse of the children, presumably as a tactic in an adversarial battle motivated by anger at the ex-partner. In both cases the allegations were eventually discounted, and in one case the father ended up with full custody and the mother with supervised visiting rights. But the damage to the relationship between the fathers and their children was significant and involved extended lack of contact. In addition the cost of fighting the allegation was huge.

I gather this situation is fairly common, but I don't have the statistics to say how common. It may well be that there are more cases where the children in a divorce scenario ought to be protected from a violent or abusive father (or mother), and are well served by Apprehended Violence Orders and such. Nevertheless the correctness of this relatively indiscriminate mechanism in a majority of cases does not justify its incorrect use in a minority of cases where the violence does not exist.

It has been suggested that under the proposed changes to the Act it would be possible for a false allegation of violence or sexual abuse to be made, then at the final application for contact (possibly 18 months later) the allegations could be withdrawn and replaced by an assertion of psychological damage based on the fact that the father had not seen the children for 18 months, with the possible result of permanently depriving the father of contact.

I have not read the act to form my own interpretation, that is not my skill or role. Instead I would urge Members of Parliament to ensure that forthcoming changes to the Act do not exacerbate this unfair situation, and if possible address the problem of false assertions of violence or abuse.