

Joint Statement

Alliance for Children's Safety

May, 2011

The **Alliance for Children's Safety** is an initiative of the *NSW Women's Refuge Movement, The Benevolent Society, the National Council for Children Post-Separation* and *Justice for Children*.

The Alliance recognises that the 2006 amendments to the *Family Law Act 1975* and the interpretation of these amendments by legal practitioners have posed serious problems for parents and children experiencing domestic and family violence. The Alliance is calling for the Act to be amended in line with the findings and recommendations of several recent national reports that conclude that the Act does not give sufficient protection to victims of family violence.

The Government has introduced an amendment Bill to the Family Law Act called the [Family Law Amendment Legislation \(Family Violence and Other Measures\) Bill](#), ("the Bill") which is currently the subject of a *Senate Legal and Constitutional Affairs Committee* Inquiry. The Committee is due to submit a report to Parliament on the Bill on June 23.

Overall, the direction of change detailed in the Bill is positive as it will better protect victims of family violence. These changes proposed in the Bill include: broadening the definition of 'family violence' to include elements of coercion and control; widening the definition of child abuse to include exposure to violence; removing disincentives that have prevented victims of violence from reporting abuse, such as the 'friendly parent' provision ; and repealing mandatory costs orders relating to 'false allegations' of violence.

However, the proposed amendments are just a first step. The Alliance is calling for the following further changes in order to make the safety of children and their carers a priority in family law.

The Alliance for Children's Safety is calling for a Family Law Act that:

1. Puts children's safety first
2. Assesses children's safety on a case-by-case basis,
3. Protects the safety of primary carers in order to make children safer

The Alliance has thus far, received **250** endorsements of these key messages. Organisations and individuals that have endorsed the key messages are diverse, ranging from YWCA Australia, Headspace National Youth and Mental Health Foundation, Lifeline Australia, Australian Lawyers for Human Rights, Uniting Care Wesley Adelaide, the Australian Women Against Violence Alliance, Homelessness Australia and the NSW Association of Child Welfare Agencies. This diversity of support indicates that the failings in the current Family Law legislation have had a far reaching effect on many children and their families and the services that support them. This is an overwhelming demonstration of support for the Alliance's Key Messages (outlined in more detail below) and the need to take further action to protect the safety and wellbeing of children through Family Law legislation.