

To Whom This May Concern,

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

I am writing to express my support for the changes to the Family Law Act proposed in the draft Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011.

I strongly support the Federal Government's moves to provide better protections for people who have experienced family violence within the family law system and believe that the proposed amendments are essential to place safety and protection of children and family members at the forefront of the Family Law Act.

I am fully aware of the way in which those who wield abusive and bullying tactics are able to use the system to their advantage to gain what they want – which is simply to continue to hurt the other party.

I am also aware on hearing others experiences that the current Family Law Act is more focused on the best interests of the father, rather than the proposed "best interests of the child/ren".

I have read that emotional abuse is like brain washing in that it systematically wears away at the victim's self confidence, sense of self worth, trust in their own perceptions, and self concept. Whether it is done by constant berating or belittling, by intimidation or under the guise of "advice" the results are similar. Eventually the recipient of the abuse loses all sense of self and remnants of personal value. Emotional abuse cuts to the very core of a person, creating scars that may be far deeper and more lasting than physical ones. (Engel, 1992).

Whilst I agree that parents who are able to demonstrate that they have the child's best interests at heart and can demonstrate that they are able to provide consistent and appropriate care for a child, then there is no issue, however, not everyone fits the same mould yet the laws are one size fits all.

Key changes I support

In particular, I strongly support:

* Broadening the definition of 'family violence' to include a wider range of behaviour and removing the objective test of "reasonableness" so that family violence can be properly considered whenever the victim actually fears for their safety. I also see it as extremely important to include all types of violence and abuse – there is not one that is more valid or defensible than the other. Any sort of abuse against women and children is wrong. Inclusion of emotional abuse indicators and examples within the definition of "family violence" need to be included and would go a long way in protecting my daughter and myself.

* Prioritising family violence when considering what is in the best interests of

the child

- * Removing the friendly parent provision
- * Taking children's rights into account – my son/s have the right to live and be cared for in a safe environment free from drug and alcohol abuse, yet they will not be granted this right unless they are physically harmed while being in the unsafe environment.
- * A broader definition and understanding of child abuse

Further changes that are needed

I believe that there are a number of changes needed immediately that have not been addressed in the Bill. I urge you to consider amendments to:

- * The presumption of equal shared parental responsibility.
- * The concept of equal shared parental responsibility.
- * The link between equal shared parental responsibility and equal time/substantial and significant time arrangements.
- * The "one size fits all" approach in which it is assumed that equal time and substantial and significant time arrangements are best for children. Each child and the situation in which they come from are entirely different. What works for one will not work for another and every case should be handled with sensitivity and much thought for that individual child's best interests.

In conclusion, I urge the Federal Government to act now in response to the evidence-based research the Federal Government commissioned in the past 24 months and the promises the Government has made to address the serious problem of family violence in the family law system. I strongly recommend the Federal Government pass this Bill expeditiously with my suggested amendments.

NOTE: Additional comments included in attachment to this email.

As a single mother & victim of ongoing domestic violence and retribution directed towards myself and my children , I have been increasingly frustrated with the system in general, the complete lack of insight of professionals working in the field and the prevailing ignorance, apathy and sense of resignation shown. Mothers MUST be protected at all costs; by failing to protect the mothers, we are merely enabling child abuse. The prevailing attitude that 'conflict' between parents is acceptable is completely unacceptable and ridiculous, as the damage to the children is irreversible. We need to accept the fact that there are those that will never come to terms with separation and divorce or adopt a healthy, productive attitude towards a less than idyllic situation. In these circumstances, where either one of both parties are not willing to co-operate – even if it's for the sake of the children – then there must be systems in place to protect those that are most vulnerable. And this has been proven over and over again to be the mothers and children.

From my own perception and observation, it seems the system has been created to exploit vulnerable individuals, take advantage of the existing conflict and provide employment opportunities for opportunists. I strongly believe that those that control and manipulate the system (Family Law Professionals) are acutely aware of the flaws in the system, but unwilling to encourage or inspire change as this would affect their ability to cash-in on the conflict situations which exist. As it stands, the system is not only damaging to those vulnerable individuals forced to endure the flawed processes, but also those working in the system, who have been inadequately trained in their roles and often find themselves dealing with (understandably) frustrated, abusive clients. I believe that this scenario is the norm at the CSA.

My suggestions for change to Family Law Act and Child Support policies and procedures, based on 12 years in the system include:

- Changes to the definition of 'Domestic Violence' to incorporate so-called soft forms of violence including financial abuse, separation abuse, threats and intimidation, emotional abuse, neglect of children & failure to take responsibility. Treat all forms of domestic violence as criminal behaviour, regardless of whether it's directed at the mother or the children. Mothers (where they are the main carers), should be protected at all costs against any and all forms of abusive behaviour. Changes must treat domestic violence directed at the mother as an indirect attack on the children, which makes it a form of child abuse.
- Introduce rigorous psychological testing of all individuals in the system to identify those with a callous irresponsible attitude to their former partners and children, & who pose a potential threat and risk of harm. Lack of responsibility towards one's children is a form of neglect and should be treated with the contempt it deserves if we are to inspire any sort of change. Turning a blind eye and apathy only condone and enable this type of behaviour.
- Eliminate the high-cost of litigation. It is outrageous that the current system as it stands gives you one of two choices – financial ruin, or a lifetime of misery. Those who choose to avail themselves of the Family Law system to bring some resolution are faced with outrageous legal bills and imminent financial ruin. And the alternative is to allow yourself to be subjected to ongoing domestic violence, threats, abuse, intimidation. Great system – if you're an overpaid Family Lawyer. Litigation is a necessary evil at the best of times. It needs to be radically reformed to remove the

pompous, unnecessary formality and stuffiness. It needs to be recognised that separation and litigation do not mix, so we need to come up with an alternative – desperately!

- Eliminate the corruption within the system. All Family Law professionals should be thoroughly trained in the field and should not only be tested on their knowledge of the law, but also on their levels of empathy and compassion and level of responsibility. The system should be free of all opportunists, narcissists and sociopaths. As the individuals going through the trauma of separation and divorce are already extremely vulnerable, this makes them even more susceptible to the corruption of compromised individuals. This MUST be a key consideration.
- Eliminate the prevailing double standards in the system, which are breeding discrimination and inequality. As the system currently stands, there are NO consequences for a father breaching court orders relating to contact with a child.

- Change the prevailing double standard of the ‘right to contact’ to make it an ‘obligation’. Of course, this only applies where contact is deemed to be a safe option for the children.
- No father that continues to ‘abuse’ his former partner in ANY way, including threats, intimidation, retribution should be granted contact of his children under ANY circumstances. Contact with children should only be granted once that parent has PROVEN he will not be a threat to his former partner and children.
- Changes to Child Support Agency (CSA) policies and procedures are desperately required, as the current system is design to enable domestic violence, and as a result child abuse. This includes:
 - Introduce ‘consequences’ for petty crimes which are directed towards the main carer and children, designed to reduce the child support liability. This includes tax evasion, financial abuse, threats and intimidation, compulsive lying, failure to disclose true financial circumstances, perjury, contempt of court and general abuse of a flawed system.
 - Training of CSA staff and all Family Law practitioners is desperately required. The ignorance, apathy and lack of responsibility demonstrated by ALL that I have encountered over my 12 years in the system has been frustrating to say the least. This includes dealings with Family Lawyers, Magistrates, Court-appointed psychologists, members of the Commonwealth Ombudsman’s office and staff at the CSA. In all cases I would say that without exception,

they have lacked any sense of awareness of the trauma that such flawed processes cause to the victims and the massive negative impact on their lives, their ability to function normally in society and to lead productive lives.

- Mandatory rehabilitation for ‘sociopaths’ and ‘dead-beats’. CSA MUST at all costs introduce systems that allow them to identify individuals who abuse the system in one way or another & introduce mandatory rehabilitation for such individuals. This should be compulsory, until a shift in behaviour is demonstrated.
- Eliminate the ability of ‘sociopaths’ and ‘dead-beats’ to abuse the system by taking away their rights. When an individual has shown complete contempt for their former partner &/or children, they should have their rights to any applications to CSA or Family Courts revoked, thus preventing them from further opportunities to abuse the system and ultimately their former partners and children.
- Remove the link between parents in conflict. This is absolutely critical to facilitating change. I cannot begin to comprehend why we have a system that ‘forces’ parents in conflict to have to continue to deal with one another constantly. Particularly when it comes to child support. Rather than forcing parents into constant litigation, the system could be set up in such a way where CSA collects from parents with a Child Support Liability into a pool, then distributes funds to those with an entitlement. No need for ANY litigation EVER again. I’m at a loss to understand why this hasn’t happened already! It could be a similar system to Centrelink’s & would ensure that all that have an entitlement would receive some form of support, unlike the current system where those with uncooperative former partners miss out altogether. And this means children are missing out on necessities and forced to lead an inferior quality of life. It is outrageous that we condone this type of behaviour as a society.

By failing to create systems that protect the most vulnerable amongst us – ie women and children, we have essentially created a minefield of abuse which is both condoned and encouraged. And for anyone to assume that this is not damaging to anyone but the victims, they are seriously delusional. With such a system, everyone in the community suffers. We desperately need a correction to restore some sort of harmony.

As for the epidemic of divorce and separation, unfortunately this has become a normal part of life. While it is certainly not the ideal, in situations where there is no other option, we all have an obligation to allow those that choose this path an opportunity for a better life. And not a life filled with ongoing conflict, abuse, retribution, litigation and poverty. I can assure you that those of us that did leave dysfunctional marriages did so with very good reason. But I know that in my case at least, I have certainly lived to regret my decision, as an abusive marriage would have been far less traumatic than everything I’ve had to deal with since then. Please note, my experiences are based purely on the perspective of a single mother and my own personal experiences. While I realise that my situation is unique, I also believe it extremely common, and will only get worse if we don’t act now.

