

28 April 2011

Committee Secretary
Senate Legal and Constitutional Committees
PO Box 6100
Parliament House
Canberra ACT 2600

**Family Law Legislation Amendment (Family Violence and Other Measures) Bill
2011 [Provisions]**

This Bill is fundamentally flawed and needs to be rejected by the Senate. The consequence of this flaw will be to harm children.

The flaw is that the Bill fails to address the issue that many allegations of domestic / family violence are false. Importantly, making false allegations of domestic / family violence is standard advice given to women in family and relationship breakdowns. These false allegations provide advantage to such women by removing their partner from the matrimonial home, and provide advantage by increasing care for the children, which has additional advantages of higher property settlements and on-going child support receipts.

For real cases of domestic / family violence, then the criminal court needs to address these. But all cases of real domestic / family violence needs to be addressed. This includes cases of real domestic / family violence perpetrated by women. How many members of the Committee have heard of Gabriella Garcia? The woman who jumped from the West Gate Bridge killing herself and her child?

The Bill will make it easier for false allegations to be made, without appropriate consequences for those making the lies. For those children whose parents are the subject of false allegations, they will be harmed by having those parents (usually fathers) removed from their lives or to have no meaningful relationship with them.

Domestic violence against any person, man, woman or child, needs to be eliminated.

False domestic allegations also need to be eliminated, so that focus can be made on the real problem.

That problem is that the Family Law act does not provide a child to have the right to both parents in their life and for each parent to have a right to maintain their role in their child's life.

This Bill needs to be rejected with an appropriate recommendation to fix the real problem.

Yours faithfully,

David Hardidge