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Sahara Victorian Association

Sahara Victorian Association (SVA)
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Hon. Mark Dreyfus KC MP
Attorney - General
Parliament of Australia
Government Office
Canberra ACT 2600

Dear Hon. Mark Dreyfus MP,

Subject: Family Law Amendment Bill 2024

I am writing on behalf of Sahara Victorian Association (SVA), Incorporated non-profit Indian organisation (works for the rights of family violence sufferers). Primary objectives are to provide Sahara (Support) to family violence sufferers, Senior Citizens of our community and assisting newly immigrants (particularly students). We are operating from three locations, Ivanhoe, Craigieburn and Melton.

A very serious and concerning issue! Family violence and financial manipulation are unacceptable and can have devastating effects on the victim.

The Family Amendment Bill 2024 was long overdue, and this should be implemented ASAP to all new and current proceedings. Family Violence is a very crucial issue in our society and a lot of women are dying every year.

I have spoken to a lot of victim females who fear leaving a domestic violent relationship as they financially as they are scared on how they will financially support themselves and their children after the separation. They are physically, verbally, emotionally, financially and sexually abused by their partners but still do not have courage to leave their relationship. These women have compromised on their career to take care of their children as their partner has been building their careers. Some of these women's have been working full time and taking full responsibility of their children as their partner is always busy in building their own career. There is a big income disparity between them and if she leaves the relationship, it is hard for her to sustain financially.

Some of the main issues which these women with low-income face are:-

1. Their partner refuse to provide full financial disclosure forcing them to file an application in family court. Even after that, they hide assets and not provide full disclosure as there is not really any big penalty in Family Court. I have read that there is in Family Law Act, that criminal charges may be laid for non- disclosure but have been told by various solicitors that no action is taken against them. **As part of the bill, there should be punishment given to individuals who hide assets. Criminal charges should be laid against them for hiding.**
2. I have been told by multiple solicitors that addback is not easy in Family Court. But, in case where the partner has redirected money or asset without the partners knowledge should be added back to asset pool. I have been told a lot of them open secret bank accounts and divert money there. **Any money diverted to undisclosed hidden bank account should be added back to asset pool.**

3. In countries like India, Pakistan and Sri Lanka, women have lot of jewellery. I have seen multiple cases where their partner takes away the jewellery and since it's missing and cannot be valued, the judge does not consider it in asset pool. Their partner gets the gold jewellery for free which have been technically stolen. **These partners should be punished for their action and forced to get the jewellery for valuation. If they don't disclose the jewellery, criminal proceedings should be initiated against them.** In these countries, there is no concept of jewellery insurance and jewellery is kept in lockers. Photographic evidence and invoices should be treated as evidence that jewellery existed, and cross examination should be done to find out where it went missing. **If missing jewellery is not provided, then tentative value of jewellery should be added back to asset pool.**
4. In countries like India, Pakistan and Sri Lanka, if a real estate is sold, approximately 40-50% of it is paid in cash. So, the real value of sale is never documented in sale deed. This is beneficial for both buyer and seller as buyer has to pay less stamp duty and seller has to pay less capital gain tax. I have heard from few women saying that their partner sold a property without her knowledge and value of sale deed is not right. **If a real estate has been sold by a party without their ex knowledge, then the party from whom its hidden should be allowed to get valuation done from any valuator and valuation should be used as a value in asset pool.**

There needs to be a system in place to prevent and address such situations. Here are some potential measures that may be helpful.

- **Stricter laws and enforcement:**
Laws protecting sufferers of family violence should be strengthened, and enforcement agencies should take swift action against perpetrators.
- **Financial disclosure:**
In divorce proceedings, there should be mandatory financial disclosures to prevent hidden assets or fraudulent transfers.
- **Asset protection:**
Courts should have power to freeze assets and prevent their disposal until the case is resolved.
- **Support Services:**
Sufferers should have access to support services, including legal aid, counselling, and safe housing
- **Awareness and education:**
Communities should be educated about signs of family violence and importance of supporting sufferers.
- **Mediation and counselling:**
Couples should be encouraged to undergo mediation and counselling to resolve issues before resorting to divorce.
- **Protection orders:**
Courts should issue protection orders to prevent further harassment or violence
- **Collaboration:**
Government agencies, NGOs, and community organisations should get-together to provide comprehensive support to the sufferers.

Should any of the above need clarification or further information, please do not hesitate to contact me on

Thanking you and kind regards.

SVA Executive Advisor