

28 April 2011

National Peak Body for Safety and Protection of Parents and Children

(NPBSPPC)

Non-confidential letter for submission

Our contact details or any enquiries to:

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To

Senate Legal and Constitutional Committees

Parliament House

Canberra ACT 2600

Australia

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

NPBSPPC wishes to add supplementary reports and submissions made earlier to the following enquiries to support the Government for the reforms to the Family Law Act proposed in the Draft Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011.

NPBSPPC strongly supports the Federal Government's initiatives to end the abuse of children and vulnerable parents and in the majority women and to

providing safety and protections for people who have experienced child abuse and family violence and are at the mercy of the family law to ensure safety and protection.

Nothing in modern research is more true than to listening to the voices of the people affected, and in particular mother's voices as their natural instinct to mothering, nurturing and protecting their children is the lifeblood for children optimizing their full adult capacity. Many safe fathers have also supported this and have contributed to NPBSPPC's work to date. We have statistical representation of stakeholder interest should the committee wish to peruse these, please contact admin@safety4parentsandkids.org.au

NPBSPPC wishes to also submit to the Senate Legal Constitutional Committee submissions made to the **Chisholm enquiry**, where more than 151 stakeholders affected by the family court system shared their personal stories. NPBSPPC asks the committee to please read this report **"The voice of the People report." (non-confidential)**

NPBSPPC also participated in the **Australian Law Reform Commission** enquiry into jurisdictional complexities between the Commonwealth and the States and Territories, where several abused clients through family violence fell through the cracks in such complexities, and children were and still are left in harmful situations. We make this report available to the Committee.**(Non-confidential)**

NPBSPPC made a further **submission in 2011** commenting on the Bill to the **Attorney General's Dept**, where more than 56 stakeholders shared their comments and personal ongoing struggles with the family law, institution and professionals in attempting to protect themselves from ongoing violence and abuse. We make this report on the reform issues available to the Committee for reference.**(Non-confidential, except sensitive story from the nurse, unless she is protected, please remove her story) before publication.**

In brief, NPBSPPC has all person's personal stories on its research database, should the Committee wishes to peruse the costs, challenges, sufferings of so many mums and children are articulated in all of the above submissions at an individual level.

The reports are addressed to each of the enquiries and recipients of same. NPBSPPC hopes to see an expeditious passing of the bill to protecting children

and parents affected by the Howard reforms which exposed so many to harmful situations, and of course the unintended consequences of those changes in 2006 hopefully will be brought to justice for the safety and protection of parents and kids in the current changes.

NPBSPPC gives permission for the publication of all the reports as supplementary submissions, and as public document, except for the removal of sensitive information as appropriate.

Violence and abuse of children and women is unacceptable, and the unwritten rules of the games, the hidden culture of blame-shifting, cover-ups and buck-passing by abusers to manipulating systems must be addressed by the reforms.

Equally changing the enmeshed culture of practice and to freeing children from the existing harmful situations is as important.

It has taken the Gillard Government courage, determination, and leadership by the AG dept, ALRC to address these growing concerns of the public of terrible outcomes for the children and women in family court systems reported in the media, albeit only a few who make it so. If common law is what the courts protect their existence with, then the public have a right to scrutinize and be made aware of every case, to be properly informed and to hold to account of their own perceptions of the system and the professionals. The legislative answers the accountability factor and must do so or at least be seen to do so in the public eye.

We need better planning and scheduling of hearings and court events, and counseling must be encouraged to children and parents in the initial stages before legalism sets in. Resources needed to run the family courts efficiently appears to be too costly, and NPBSPPC recommends de-institutionalization of the family separations, which could be effectively administered by family relationship centers and NGO's to fast track cases, and to the utilization of State/Territory court systems for the investigation of family violence and child abuse, as a cost cutting measure to expedite processes for the separating families and child custody issues, as they have the expertise compared to the lack of competence of family courts as has been claimed to be an excuse for the bad outcomes.

Many thanks for the Committee and the Gillard Government to considering the views of the very people who are caught struggling in the system and the effort of NPBSPPC to represent the voice of the people. NPBSPPC is concerned at

looking at some of the submissions, and in particular of Chief Justice, where child abuse in existing cases will be impacted by timelines and where if the Government does not make specific rules, some children before the reforms will continue to suffer harms. We plead to the committee to consider addressing cases before the reforms, those that may raise violence and abuse during the enquiries and debate, and those who may present or open up their cases after the reforms that these are addressed, and children are removed from harmful situations. The participation in our studies was from people who were affected by the family laws and it is expected that their issues will be addressed and children and women are freed from ongoing abuse regardless of timelines of reform agenda.

Thank you

Usha Adams

On behalf of NPBSPPC.