

Family Law Legislation Amendment (Family Violence) Bill 2011 Submission to Senate Committee

Dear Committee Secretary,

I would like to thank the Senate Committee for the opportunity to make this submission.

I am writing to oppose the proposed bill for the amendments of the Family Law Act. I believe that the "friendly parent provisions" in s.60CC(3) is a fundamental and imperative principal of the 2006 reforms that must be preserved.

It has served our society a common sense approach to the best interests of a child. This clause sets a positive standard for separated parents to remain child focused through a separation, and is a factor which deters a parent from aligning their children against their other parent. The removal of this clause will see more cases of parents unnecessarily shielding their children from the benefits of a meaningful relationship with their non-resident parent.

It is my understanding that the argument to remove the friendly parent provision is to give a parent more opportunity to speak out about family violence. A major problem here is that the under-funded courts are already dealing with an overload of false AVO's and this proposal is going to open the floodgates for many more. It is effectively creating a new presumption that any mention of family violence, particularly in falsely accused cases, are always treated as truth without any evidence necessary. What a way to hand a parent the opportunity to align a child against the other parent.

It is also my understanding that from research conducted by The NSW Child Death Team Annual Reports, child homicides have decreased by almost 50% in NSW since the introduction of the 2006 Family Law reforms.

The proposed changes to the Family Law Act will be a rollback in the success we are seeing in reduced children homicide. Should the bill be passed, the saddest problem is that our society is likely to experience an inclination in children homicide, possibly back to pre-2006 levels. We must protect children's lives first and foremost when making decisions such as these.

I do understand the need for a victimized parent of family violence to be able to testify without fear of losing their case. However, as a genuine loving and caring Dad myself, likewise many other separated Dads, we can be caught in the crossfire with a significant risk to meaningful relationships with our children.

I strongly recommend you consider the lifesaving effects we have had success

with, and reject the proposed bill whilst maintaining the shared parenting reforms since 2006.

Yours sincerely,

Scott Smith