



DOMESTIC VIOLENCE  
LEGAL WORKERS  
NETWORK

27.04.2011

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

Dear Committee Secretary,

**FAMILY LAW LEGISLATION AMENDMENT (FAMILY VIOLENCE AND OTHER MEASURES) Bill 2011**

The DV Legal Workers' Network (the Network) would like to thank the Committee for the opportunity to make a submission on changes to the *Family Law Act* proposed in the draft *Family Law Amendment (Family Violence) Bill 2010*.

The Network strongly supports moves by the Federal Government to provide better protections for people who have experienced family violence within the family law system. The proposed amendments are a crucial first step towards placing the safety and protection of children and family members at the forefront of the *Family Law Act*.

In particular, we strongly support:

- Broadening the definition of 'family violence' to include elements of coercion and control, 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
- A broader definition and understanding of child abuse that includes exposure to violence
- Prioritising family violence when considering what is in the best interests of the child
- Removing the 'facilitation' aspects of the 'friendly parent provision'
- Repealing section 117AB about costs orders relating to false allegations or denials of violence

Our experience with clients since the 2006 reforms to the *Family Law Act* indicates that further amendments are necessary to adequately implement the intentions of the Federal Government and ensure that children and their carers are protected from family violence and child abuse.

In particular, we recommend that:

- The safety and protection of children should be prioritised above all else. Its priority should not be subject to proving an inconsistency with other considerations.
- The Act should make it clear that exposure to family violence is a form of family violence and that it applies to behaviour by the person perpetrating violence, and not the victim of the violence.
- There should be no presumptions in family law – every family should be treated as unique. This means that there should be no presumption of equal shared parental responsibility and the courts should not be required to start from any particular care arrangement
- The Act should protect the safety of the primary carer as this increases children’s safety.

Based on experience and the evidence presented in numerous research reports over the last few years, the Network strongly recommend you support the amendments suggested in this letter and the expeditious passage the Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011.

Yours sincerely,

Heidi Guldbaek  
Coordinator  
DV LEGAL WORKERS’ NETWORK

## **ABOUT THE DV LEGAL WORKERS' NETWORK**

The Domestic Violence Legal Workers Network (DVLWN) is a collaborative model of a support network for legal practitioners and other professionals who work specifically in the area of domestic and family violence.

Members of the DVLWN are inclusive of professionals from:

- Community legal centres
- Legal Aid's Domestic Violence Unit
- Family Relationship Centres
- Family Violence Services
- Regional Coordinated Response teams
- Women's refuges
- Relevant Government Departments
- Universities
- Women's Services
- Specific domestic violence services
- Other NGOs

Members of the network are resourced with professional collaboration through regular casework meetings, are involved in the creation of policy and law reform submissions, and are provided with a regular training and updates regarding DV legislation, literature, resources, issues, training and events. The DVLWN is committed to changing community attitudes towards family and domestic violence and assisting victims to realize their legal rights and options. The principles of the DVLWN are that:

- Individuals exposed to family and domestic violence have suffered a breach of basic human rights
- Family and domestic violence is a global and community issue
- Family and domestic violence is about the abuse of power and control, can manifest in physical, psychological, emotional, social and financial forms of abuse, and is unacceptable

It is the role of the Domestic Violence Legal Workers Network to facilitate community education regarding the legal rights of the victims of family and domestic violence, raise awareness of the legal services available to people exposed to family and domestic violence, and to develop links and work in partnership with associated agencies and committees for the prevention and intervention of domestic and family violence.