

Dear Mr/Ms/Mrs/Senator,

I/we welcome the Liberal party's indication that it is likely to support the Family Law Amendment (Family Violence and Other Measures) Bill 2011 (as reported in The Australian today - <http://www.theaustralian.com.au/national-affairs/liberals-back-family-law-backdown/story-fn59niix-1226027713283>).

Three independent reports by the Australian Institute of Family Studies (AIFS), Professor Richard Chisholm and the Family Law Council recently found that the family law system is not adequately protecting women and children from family violence and abuse.

The studies show that family violence is prevalent during the separation period. Physical or emotional abuse is reported by nearly two thirds of women going through separation, and over 50 per cent of parenting matters in the family law courts involve serious allegations of family violence and/or child abuse. There are many other studies that provide a strong evidence base for the prevalence of family violence.

The Australian component of the 2004 International Violence Against Women Survey found that over one third of women had experienced physical and/or sexual violence from a current or former intimate partner, and even more had experienced at least one type of controlling behaviour. A 2007 AIFS study indicates that false allegations of family violence and/or child abuse occur in a very small number of cases. In contrast, the 2005 ABS survey on personal safety found that nearly two-thirds of women who experience violence at the hands of their current or previous male partner do not report it to the police.

We encourage the Liberal party to decide to support this Bill at its meeting of Shadow Cabinet as it would provide some important protections against family violence, including by placing a greater emphasis on the importance of children's safety, and more clearly defining family violence (in line with the Australian Law Reform Commission's recent recommendation) and child abuse to make it clearer to courts and the community what sorts of behaviours are included. It would also remove some provisions that deter family violence from being reported, being the mandatory costs provisions and part of the so-called 'friendly parent' provision [without which many children like Darcy Freeman would still be alive].

While we encourage the Liberal party to support this Bill, we believe that further changes are needed to the Family Law Act in order to ensure that the family law system is not jeopardising the safety of women and children.

First, the safety of children should always come first - there should be no limitations on this.

Second, there should be no presumptions in family law with regards to caring arrangements - each family should be treated as unique.

We note that the current Bill does not touch in anyway on the presumptions regarding equal shared parental responsibility and the requirement for the courts to consider equal, or substantial and significant time.

Third, the safety of primary carers should receive greater protection under the Act as the safety of the primary carers affects the safety of children.

Fourth, where a child is exhibiting acute and significant signs of anxiety and distress before, during or after contact, or is defiantly opposing contact with a parent, then the resident parent must seek an immediate written confirmation from a qualified and registered psychologist to confirm such behaviour and thereafter may temporarily suspend contact until the matter can be re-considered by the Court.

We hope that you will support this Bill as an important step towards ensuring that family law system does not jeopardise the safety of women and children.

Form Letter received from;

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