

Att: Committee Secretary
Senate Legal and Constitutional Committee
Department of the Senate
Parliament House
Canberra ACT 2600
Australia

My concern in respect to the current Family Law Act 1975, is the total lack of consideration given to the children in matters of separation and divorce. The Family Courts primary concern is to make judgements "in the best interest of the children". The total lack of legislation to providing access creates an environment where the very children the court is setup to protect are used as tools of manipulation and emotional torment on the non-custodial parents. This is, in effect, a two pronged fork. To deliberately set out to cause emotional stress on a child is to commit child abuse itself. Emotional abuse is child abuse. That done to the non-custodial parent is also done to the child. Rather than creating an environment where these children a protected, we protect those doing the abusing. The promising of contact thence the removal of contact during the settlement period, sometimes years, places these children in a volatile and aggressive environment due to this lack of contact obtained. The typing of two words, "Without Prejudice", on any letters of attempted settlement then forbid the Court to consider the way the child has been used and abused by one party.

This practise must stop! Where is the protection for the children? It would appear we protect those people, that in effect, abuse the children and not the children themselves. The current lack of legislation can mean a person with assumed custody can just up and leave with a child and the only means of obtaining access is with costly legal expenses. Where are the non-custodial Parents and children's rights in these cases?

Quite simply, if we are serious about the protection of our children, then we must legislate for those minimal amounts of access. Half school holidays, every second weekend and a night of midweek access. To allow our children to be mentally tormented is to support the very child abuse that takes place in these matters. Legislate to stop children being removed from parents. How does a child benefit from having no contact from one parent! Let the Family Court deal with those matters of real concern. Those cases that require immediate action where child abuse and sexual abuse would be dealt with more immediately!

The current proposals would only prolong the already exhausting emotional stressing procedures the non-custodial parent and children are already exposed to.

It is time the Government really protected those that need it most, the children.

Kind regards,

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