



**COUNCIL of SINGLE MOTHERS  
AND THEIR CHILDREN  
TASMANIA**

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21 February 2006

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

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Dear Secretary

Please find attached the submission of the Council of Single Mothers and their Children (Tasmania) to the inquiry into the Family Law Amendment (Shared Parental Responsibility) Bill 2005.

CSMC (Tas) notes that the Bill amends the Family Law Act 1975. The changes proposed by the Bill include:

- the introduction of a presumption of joint parental responsibility;
- the requirement for parents to attend dispute resolution and develop parenting plans before taking a parenting matter to court;
- increased penalties to enforce parenting orders;
- increased requirements for children spending time with grandparents and other relatives

Yours sincerely,

Linda Seaborn  
Council of Single Mothers and their Children (Tasmania)

CSMC (Tas) is concerned that the proposed changes would mean that:

- The 'rights' of parents will take precedence over the best interests of children. Parents are adults and able to accommodate changes in circumstances. Children, as much as possible, should not have to accommodate the needs of their parents, but get on with the important job of growing up in peace.
- The safety of children and their families will be undermined by deterring investigation of threats through the concept of 'false allegations of domestic violence' being promoted as a presumptive response to allegations of violence.
- The imposition of penalties on litigants who have been unable to 'prove' violence, especially when the court disregards evidence of violence, will inhibit targets of violence from ever speaking about their experience and consequently targets will continue to be exposed to violence.
- Changing the *Family Law Act* definition of 'family violence' to be 'objective' . 'Objective' is the 'subjective' experience of the person not experiencing the family violence, and therefore it is possible that there will be misunderstanding of the impact and 'reasonableness' of responses.
- Allegations of abuse will be used to label a parent as 'unfriendly' rather than to increase the safety of the child/ren involved and their family members.

We note that the Australian Institute of Criminology Homicide Monitoring data shows that an average of 76 women and 23 children are killed every year in Australia by ex-partners and fathers in a post-separation context. In direct contrast, the Bill expands penalties for victims of violence who cannot prove to the court's satisfaction that they are living in fear, despite national and international research repeatedly confirming that violence is prevalent, severe and under-reported in family breakdown disputes.

CSMC (Tas) support the recommendations of the National Abuse Free Contact Campaign:

**NAFCC recommends that the 'best interests of the child' have a threshold benchmark of safety from abuse and violence or exposure to abuse or violence against a person in the child's family.**

**NAFCC recommends that in cases where a history of violence or abuse has been established, decision making around contact should prioritise the child's safety and that of family members ahead of any other consideration.**

**NAFCC recommends that all Family Relationship Staff and court officials presiding in family law cases have mandatory regular accredited training in child development, child protection and family violence.**

CSMC (Tas) are concerned about a presumption of joint parental responsibility if this means a child or children being 'equally' shared. Positive quality relationships between children and parents are not dependent on parents having equal time with children.

Substantially sharing parenting time is only successful in some limited circumstances - including where parents can communicate well about their children, live close together, have family flexible places of employment, have enough income to each establish accommodation and resources for parenting and respect each others views about parenting issues.

We hope that you will consider the best interests of the children concerned, rather than the demands of adults, whose desire to contribute to the life and wellbeing of the children should be met with the minimum of disruption to the lives of the children.

