

# Tell the government what you think about family law and family violence

## A how-to guide for individuals and community workers

### What is the government doing about this issue?

The Australian Government is consulting on draft legislation to change the *Family Law Act* to better protect children from family violence. The draft legislation is called the Family Law Amendment (Family Violence) Bill 2010 Exposure Draft.

You can find the draft legislation at [www.ag.gov.au/familyviolencebill](http://www.ag.gov.au/familyviolencebill).

### Why should I tell the government what I think?

It is important that the government hears your experiences and opinions on how the family law system is or isn't working to protect women and children from family violence. The government will make changes to the draft legislation based on the stories it hears through its consultation process. If you think the government should make the draft legislation into law or if you think more changes should be made to better protect women and children, then you should tell the government to make it happen.

### What should I tell them?

You can tell the government about your experiences of the family law system and family violence, and whether you think the family law system is working well to protect women and children from violence in your own case or in your clients' cases.

You can also tell the government what you think about the changes that they are proposing. You can tell them whether you think they are needed, whether you think they will make a difference to you or your clients, and whether you think more changes are needed.

The position paper by Women's Legal Services Australia will tell you what they think and may give you some ideas about what to write.

### How should I tell them?

You can write a letter or an email to government. Your letter does not have to be long – it can be just a few lines or half a page.

You can also write a longer letter if you have more to say. If your letter is longer than a couple of pages you might want to use headings to set out the information. You should also put your main points at the very top of the letter so it is clear what you are saying.

If you don't want your letter to be made public you should say that it is confidential.

### Where do I send my comments?

You can email the government at [familyviolencebill@ag.gov.au](mailto:familyviolencebill@ag.gov.au) or post a letter to:

Family Violence Bill  
Family Law Branch  
Attorney-General's Department  
3-5 National Circuit  
BARTON ACT 2600

Comments are due by **14 January 2011**.

### What else can I do?

You can also call or write to your federal local Member of Parliament to let them know what you think. You can send them the same letter that you send to the government.



## **EXAMPLE LETTER OR EMAIL IN SUPPORT OF THE FAMILY VIOLENCE BILL**

[Insert Date]

Public Consultation: Family Violence Bill  
Family Law Branch  
Attorney-General's Department  
3-5 National Circuit  
BARTON ACT 2600

**Delete if not emailing** Email: [familyviolencebill@ag.gov.au](mailto:familyviolencebill@ag.gov.au)

**Delete if not faxing** Facsimile: (02) 6141 3248

Dear Mr McClelland,

### **Proposed Family Violence Amendments**

We are writing to express our support for the changes to the *Family Law Act* proposed in the draft Family Law Amendment (Family Violence) Bill 2010.

We strongly support the Federal Government's moves to provide better protections for people who have experienced family violence within the family law system and believe that the proposed amendments are essential to place safety and protection of children and family members at the forefront of the *Family Law Act*.

**Option:** *Insert your experiences of the family law system and family violence, and whether you think the family law system is working well to protect women and children from violence in your own case or in your clients' cases.*

### **Key changes we support**

*We have included some suggestions of things you could write about in the bullet points below and the first one has been set out in more detail as an example. You may also wish to refer to your own experiences and/or things you agree with from the WLSA position paper.*

**Option:** *Write about how you think these amendments might make a difference to you or your clients. (You could pick one amendment or talk about a few of them.)*

In particular, we strongly support:

- Broadening the definition of 'family violence' to include 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.

However, we are concerned that the definition of family violence is limited to behaviour included on the list. We think that the behaviour should be provided as examples so that other forms can be taken into account in individual cases.

- Taking children's rights into account.

- A broader definition and understanding of child abuse
- Prioritising family violence when considering what is in the best interests of the child
- Removing the friendly parent provision
- Repealing section 117AB about costs orders relating to false allegations or denials of violence

### **Further changes that are needed**

**Option:** *Write about other things you think are needed to protect women and children from violence. The WLSA position paper raises some points we think are important, or you can make suggestions from your own experiences.*

We believe that there are a number of changes are needed immediately that have not been addressed in the Bill. We urge you to consider amendments to:

- The presumption of equal shared parental responsibility.
- The concept of equal shared parental responsibility.
- The link between equal shared parental responsibility and equal time/substantial and significant time arrangements.
- The “one size fits all” approach in which it is assumed that equal time and substantial and significant time arrangements are best for children.

### **Conclusion**

We urge you and the Federal Government to act now in response to the evidence-based research you have commissioned in the past 18 months and the promises you have made to address the serious problem of family violence in the family law system. We strongly recommend you pass this Bill expeditiously with our suggested amendments.

Yours sincerely,

(your name)