

3 May 2011 – Letter to editor (unpublished) – Family law changes are necessary to protect the safety of women children

Women's Legal Services Australia (WLSA) supports the family law bill currently before parliament, although it does not go far enough in prioritising the safety of children and other vulnerable family members.

The article in today's paper, [Family Law Change 'puts kids at risk'](#) (3 May 2011), is alarmist in its report of Chief Justice Bryant's views on the proposed family violence reforms.

In her submission to the Senate Inquiry Diana Bryant expresses general support for the changes and the better protection for children and families at risk of violence or abuse. As with many of the other submissions made to the Inquiry, the Chief Justice provides comment on how the Bill can be improved and particularly comments on the practicality of transitional arrangements.

Many commentators, as well as Chief Justice Bryant, raise the very pertinent question of whether the family law system is adequately resourced to provide better protection in cases of family violence. Family violence is core work of the family law courts and the other organisations working in family law. As well as changes to the law, additional resources are required to manage increased workloads, enhance awareness of family violence and establish robust risk assessment.

Transitional arrangements are regularly managed in changes to the law and protection from family violence must be at the forefront of family law. WLSA supports changes to family law as they have a sound evidential basis. Patrick Parkinson's arguments, presented in the same article, that family violence is seen by many as a "weapon in the war between parents" continue to peddle the myth that women lie about domestic violence. This is a dangerous assertion and not supported by academic research. In fact the research shows that women are more likely to minimise their experience of violence than exaggerate it.

However, the greatest concern for WLSA is getting family law legislation right. This is so that children and other vulnerable family members are protected from on-going violence and abuse. Whilst the Family Law Act continues to emphasise shared parenting over and above other parenting outcomes, women and children who live with domestic violence will continue to be placed in danger.

Parenting arrangements should be in the best interests of children, worked out on a case by case basis. The safety and well-being of families is too important to not take the time to judge each case on its own merits, especially when issues of domestic violence and abuse are involved.

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