Submission to Family Law Amendments (Family Violence and Other Measures) Bill 2017

Dear Family Law Branch – Attorney General's Department,

FIRSTLY, THE FAMILY COURT OF AUSTRALIA SHOULD BE ABOLISHED AS THEY ARE FAILING CHILDREN, FAILING TO INVESTIGATE CHILD ABUSE, FAILING TO INVESTIGATE DOMESTIC VIOLENCE AND CREATING A LIFE TIME OF TRAUMA TO INNOCENT CHILDREN!

Add articles from 'UN Convention on the Rights of the Child' and include into a bill for parliament as an official act. The Family Court routinely ignore the Rights of the Child by simply using 'Best Interest of the Child' and labelling protective parents a "psychological risk" using "so called court professionals" whom are simply labelling protective parents so they benefit financially by means of "counselling" children. This is simply "Cash 4 Kids" the Australian Government is engaging in!

Add all children to be heard by means of approaching the Judge directly, letter, or **advocate of the child's choice** to conform with article 12 and the UN Committee's view that children should be given the option to express their views directly.

Australia ratified the 'The UN Convention on the Rights of the Child' in December 1990, and such rights were embodied in an amendment to the Family Law Act in 2012. However, Family Courts are routinely choosing to ignore its provisions and denying children the right to give direct testimony and to express their views!

Section 68P runs the risk of children not knowing why they are being sent back to the abuser, children need to be informed in decisions in their own lives they must be given a choice, they must have their voices heard competently. A child must be informed as to why the court is sending them to live with their reported abuser and the child must be explained as to why the court has ordered a recovery order for he/she to go back to their reported abuser. Right now, Judges are ordering Recovery Orders and having the police force children to live with reported abusers, this is Coercive Control and Separation Violence the Family Court is engaging in that is outlined in 'Family Court' Family Violence Best Practices Principles.

Add Children's views to be presented to the court from age of 10, consistent with the juvenile legal system or if a child under 10 is competent in expressing his or her views. School must have more impact on a child's cognitive skills and they must be listened to!

Removal of Independent Children's Lawyers whom only serve the court. The children are not being heard and currently do not have any rights to express their views freely on all matters affecting them, their voices are suppressed and ignored by Independent Children's Lawyers whom are withholding the children's true views. Children should and need the right to approach the Judge directly with an **advocate of their own choice.** It is unethical of court

officials to withhold information the child has spoken about, family violence, their wishes and their wants.

Remove Section 11D of the Family Law Act 1975 giving immunity to Family Consultants or any other "court expert". Removal of this will give transparency and accountability to decisions.

Add any lawyer, barrister, social worker, court psychologist, family report writer or child contact centre found to be threatening protective parents with removing children from their care or threatening innocent children be removed from practicing in law or in their professional capacity as this is unlawful.

Remove Section 121 of the Family Law Act 1975, this is in breach of the Australian Constitution and freedom of speech removal of this section in the act will enable transparency to the public and for the media to report on cases of abuse and family violence in the Family Court. How does any member of the public actively participate in such reforms as this if parties or the media cannot report or speak of cases?

Add 'all' court personnel must follow Family Violence Best Practices. Currently this is 'only' a guideline and the judiciary are simply ignoring this document and are engaging in coercive control and separation violence outlined in this important document.

We are still waiting on answers to Senator Bill Heffernan's questions on 9th February 2016 during a Senate estimates hearing be answered on Dr Chris Rikard-Bell and for all Family Report Writer's, Independent Children's Lawyer's, Court Psychologist's, Court Social Worker's and Court Therapist's, any person called a 'Court Expert' of the Australia Family Court and Federal Circuit Courts be included and made accountable for their 'Opinion'. Some of these 'Experts' are not qualified or trained in Sexual Abuse and Family Violence and they are making recommendations against what is 'in the best interest of the child' this is happening every day in Australian Family Courts and Federal Circuit Courts.

Removal of unscientific Parent Alienation and Reunification Programs in the Australian Family Courts and Federal Circuit Courts. The Family Court publicly decried the Parent Alienation (PA) based on the Parent Alienation Syndrome (PAS) theory that Richard Gardner invented himself which is 'not' scientifically backed and nor is it included in the DSM-V however the Family Court of Australia in 2016 are using it to remove innocent children from their protective parent, their home and effectively placing them with their 'reported' abuser. This is reprehensible and the trauma these children will endure with this inhumane method is devastating and will cause long term psychological damage now and in the future.

Add audio recording of interactions with all judiciary, including lawyers, barristers, family report writers, social workers, and psychologists.

Remove Section 68q The Family Court is routinely ignoring Family Violence. An Apprehension Violence Order/Intervention Order must be adhered to in the Family Court, Judges are ordering children into abusive homes, these orders are routinely ignored by the judiciary based on hearsay "well he said he did not do it", since when has an abuser admitted to abuse? In one such case it was deemed family violence as "reasonable within Australian Families" and another case in which there was "a one-off traumatic event" witnessed by children however, perpetrator must have access to the kids because it was "supposedly" a

one-off event, even though it was traumatic for the children! Family Court judges should not be interfering with matters of Apprehension Violence Order/Intervention Orders that are being heard in the Magistrates or any other jurisdiction. This is simply an abuse of 'Power'.

Proceedings that are frivolous, vexatious or an abuse process. There must be rules behind this or the abuser, lawyers and independent children's lawyers/barristers can simply try to use this against the protective parent (whom has been also been abused) and leaving victims (children) without any protection. How can you have protective parents effectively protect their children if they are labelled vexatious because they report abuse by abusers using the system?

The Australian Government must start Listening the Children who are suffering.

I refer to petition of 826 signatures regarding the Australian Family Law Act below;

Change.org petition - Injustices of the Family Court

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