

Dear Sir or Madam,

The tight time frame and being on holidays with only phone hot spot internet prevents me from making a more comprehensive response, and a more law-based one, however there are some salient points I wish to emphasise in this difficult arena.

First of all - the drawing closer of different 'silos' of courts that impact on family matters is undoubtedly a good idea in principle.

The addressing of family violence in a context of family law is long overdue. Except that this is the area where a considerable lack of expertise and resourcing is already strikingly apparent. I note the following:

"The Family Law Act would be amended to strengthen the family law courts' powers to summarily dismiss unmeritorious applications. For example, this amendment will enable the courts to dismiss proceedings if it becomes clear that the proceedings are unmeritorious and are being progressed, by a perpetrator, for the purpose of inflicting further family violence and trauma upon the victim."

Who is the victim? Since my husband left our home, abandoning also his children, I have become very aware of family law situations, and gathered a group of dear friends who have walked or are walking family law situations. Each is unique and complex, with certain similarities within the diversity. One thing in common is the use of Domestic Violence processes almost as a rite of passage. It is a very small sample size, so not appropriate research process but this is what I've seen.

As many men as women of my acquaintance have been victims of physical violence from their partners – hitting, punching, hitting with implements etc. Physical violence is not the pure domain of the masculine.

A number of men have been victims of psychological abuse by their wives, some diagnosed with Borderline Personality Disorder, and some who possibly require an assessment. Yelling, screaming, manipulation, belittling.

Children commonly being withheld (more by women against fathers). This is Child Abuse. The court quite clearly recognises the importance of children being able to maintain a relationship with both parents.

Children are being unduly influenced to reject a parent through grooming tactics employed by the other parent. This is parental alienation and it is CHILD ABUSE. Psychologist recommend that parental alienators lose custody of children in favour of the targeted parent. In our nation this is NOT what happens. The DV and family courts SUPPORT the perpetrator.

So who is the victim? The woman who brings the application with genuine bad behaviour to bring to account, sometimes exacerbated by the stressors of marriage dissolution, OR the man who stands accused, who is being punished for some real or imagined offence, who is having children held out of his reach?

Family violence is unacceptable and people need to be able to access refuge and support. Legally and practically. And yet, our systems allow unmeritorious applications to progress. There is no consequence for perjury either. Many, like me, have a "Temporary Domestic Violence Order" on their police record, and although it shows it was dismissed, the stain remains. The magistrate indicated that there was likely perjury, however there was nothing that could be done. It is common knowledge that DVOS are utilised to keep children away from their father. This increases property pool and child support.

It is also become more known that dad victims of Parental Alienation experience suicidality which is largely ignored by legislators and support services.

The break down of a marriage is a horrendous time. The 'no fault' system is good, however it leaves people with a sense of victimhood that has no outlet. There is a need for a completely different approach to dealing with children (and property) that is multi-disciplinary, well resourced and well trained. I hope that this review is only the start of a complete re-think about how to approach family law to support children and their parents.

Yours faithfully,

[Personal information redacted]

I'd appreciate my name being kept confidential from publishing.

20 January 2017