

Key Concerns about the Impending Family Law Changes (including the *Family Law Amendment (Shared Parental Responsibility) Bill 2005*)

1. The changes do not promote the best interests of children

- 1.1 The Bill promotes parents' 'rights' to share equally in their children, particularly by requiring consideration of equal time arrangements.
- 1.2 The Bill diminishes the weight given to children's views by making these a 'secondary' criterion.
- 1.3 Family Relationship Centres' performance measures focus on rates of agreement rather than on whether the arrangements are actually best for children.

2. The changes undermine the safety of children and their family members

- 2.1 WLSA recognises that five positive changes have been introduced or are promised in relation to safety issues.

However, we still believe that the Bill as it currently stands will further undermine the safety of children and their family members:

- 2.2 The Bill creates conflicting primary considerations (children to have meaningful relationships with both parents and children to be protected from harm) and an additional secondary criterion (willingness to facilitate a relationship with the other parent) for determining a child's best interests that are likely to lead to children being placed at greater risk of exposure to violence or abuse.
- 2.3 These conflicting considerations are also included in the objects provision of Part VII which, given the remaining content of the objects and principles, is likely to lead to the meaningful relationship object being prioritised over safety.
- 2.4 'False allegations' provision in the Bill - courts required to order costs against parties 'knowingly' making a false allegation or statement - will put pressure on women to 'keep quiet' about violence or abuse and obscures the problem of false denials of violence.
- 2.5 Changing the *Family Law Act* definition of 'family violence' to be 'objective' – may lead to the victim's experience of violence not being properly factored into decision making.
- 2.6 Making mediation compulsory without appropriate safeguards to deal with violence and abuse cases will impact on safety.
- 2.7 Changes to Division 11, which deals with the interaction between family law orders and state family violence orders, may make it harder to change family law orders to protect people from violence and do not give effect to the Family Law Council's recommendations.

3. The changes must be fair, accessible and appropriate for Indigenous and culturally and linguistically diverse ('CALD') communities and for rural and remote families

- 3.1 Information is needed about how these communities and families will be serviced, other than by telecommunications which would be ineffective and highly inappropriate.