

**INQUIRY INTO IMPACT OF THE *FAMILY LAW*
AMENDMENT (SHARED PARENTAL RESPONSIBILITY)
ACT 2006 (CTH)**

Organisation:

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Partially Confidential

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**Standing Committee on Law and Justice
Parliament House
Macquarie Street
SYDNEY 2000**

LAW & JUSTICE

**Inquiry into the Impact of the Family Law Amendment
SHARED PARENTING RESPONSIBILITY ACT 2006**

SUBMISSION

The impact on women and children of the changes to the Family Law Act 2006 is compounding the failures of the past and will place many children at more risk of harm from abusive parents and other family members.

Shared Parenting has always been an option under the Family Law and has worked well for good caring parents when there are no claims of child abuse. These new laws make it easier for all parents to claim 50/50 share without any address to Child Protection as there are no laws for Child Protection under the Federal Act. It remains merely what the Judge decides even though Judges and Magistrates have no training regarding the harm to children that abuses can cause which can also last a lifetime.

As a support person talking to family members who have raised allegations of children's physical and sexual abuse it is a common story to hear that the Family Court will vilify them as a vexatious parent who is merely trying to 'manipulate' the Court.

While the phrase 'the best interest of the child' is also often used but it has been explained to me by members of the legal profession that it is whatever they decide it is and it has nothing to do with any request, disclosure or instruction from the child or anyone else.

The Courts of New South Wales can put in place Orders to protect the children or the caring parent such as AVO's but the Federal Family Court will and does ignore them. It is not uncommon for Family Court Orders to be put in place allowing even those convicted of Domestic Violence to have full custody of children. Threats of the removal of children from often a mother's care will stop notifications of ongoing abuses that are occurring under Family Court Orders.

It amazes me that the Federal Government is funding advertising showing that Domestic Violence is not appropriate behaviour while their own Family Court ignores it.

If a child suffers serious harm because of the Orders of the Family Court then the State or the Federal System does not hold the Family Court accountable.

Harm to children is classified as a People problem even if the Court has assisted them by Ordering that they have access to children which allows them time and opportunity to perpetrate a crime.

But if a Protective parent ignores those Orders to try to minimize any harm to the child then they can suffer severe penalties such as being gaoled or loose any contact they have with the child.

Until all Courts that handle children's matter, both State and Federal are made open and accountable then there will be no real Protection for our children. The people and the Press should be able to scrutinize the way the Courts deal with these matters even if names are withheld. When there is no scrutiny then there is no Justice. Maybe then we may get real changes that benefit everyone.

Confidential as per Committee resolution.

It is the victims of these abusive laws who continue to suffer which often results in drug addiction, suicide or worse.

I have lost all faith in any supposed Child Protection system in Australia. It is my opinion that our children are not only at risk of harm in our communities and Court but they can also suffer abuses of the systems that should be there to protect them.

Sincerely



NELLIE FENNELL

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