## **Women's Legal Services Australia**

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## **"Putting safety first"**

The *Family Law Legislation Amendment (Family Violence and Other Measures Act) 2011,* commences operation next week on 7th June 2012 and is expected to make significant changes to the way that family law decisions are made in Australia.

"These changes are a step in the right direction", says Angela Lynch, national law reform coordinator for Women’s Legal Services Australia, "this is because where safety is a concern, the law will now prioritise a consideration of the protection of children, over an ongoing meaningful relationship with another parent. The changes also broaden the definition of family violence and abuse, to better encapsulate the experience of victims and their children.”

" We congratulate the Gillard Labor Government for listening to the concerns in the community and making these much needed changes," Ms Lynch said.

"We want to see the end of decisions and agreements that, for example, provide unsupervised time with a violent parent or that pressure mothers who fear for their safety and the safety of their children to stop breastfeeding their baby, so as to better enable an ongoing meaningful relationship with the other parent.

"These amendments are vitally important to increase the protection of women and children in family violence situations because men who are violent can use legal processes to intimidate, harass and exert ongoing power and control over their families, after a separation."

Although the changes are welcome they do not go far enough, as they do not remove the emphasis in the legislation on shared parenting or the presumption of equal shared parental responsibility.

Angela Lynch says that "The emphasis on shared parenting, over and above other parenting outcomes, places children and other family members who have experienced domestic violence in danger."

Women’s Legal Services Australia will continue to work towards the removal of the presumption because each family is unique and has different needs.

"How can legislation presume one outcome when there are so many different possibilities? 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 family violence exists."

For further information on the new law, see: [Attorney-General](#http://www.ag.gov.au/Families/Currentissuesinthefamilylawsystem/Pages/Familyviolence.aspx) Department’s website or an [information guide by Women’s Legal Services Victoria](#http://safetyinfamilylaw.com/) at www.wlsa.org.au

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