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Mr Alberto Carvalho
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Dear Mr Carvalho

Thank you for your email of 21 June 2011 to the Minister for the Status of Women, the Hon Kate Ellis MP, regarding recent reforms to the *Family Law Act 1975* to ensure appropriate treatment of family and domestic violence in the Family Court. The Minister has asked me to respond to your email on her behalf.

Family violence and child abuse are unacceptable. All family members have the right to be free from harm and to live without fear of violence or abuse. The Government's *Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011*, (the Family Violence Bill) which was debated in the House of Representatives on 26 and 30 May 2011, takes action to ensure the safety of children caught up in family law disputes.

I appreciate the interest you have taken in the evidence base that supports the Family Violence Bill. It is important that we all maintain a dialogue on the most up to date research and evidence for action to prevent family and domestic violence.

As Minister Ellis indicated in her speech in support of the amending legislation, it is true that men are more likely than women to be victims of assault (54 per cent of assault victims are men; 46 per cent are women). ABS statistics also show that women are more likely than men to be assaulted in their homes (41.6 per cent, compared to 21.7 per cent of men), rather than in a place of entertainment or the street. Almost 73.1 per cent of women knew their offender (compared to 21.7 per cent of men). Women are almost five times more likely than men to be assaulted by a partner or ex-partner.

In relation to the suggestion that separated mothers make false accusations of violence to bolster their case in the Family Court, there is no credible research that supports the assertion that women are routinely falsifying claims of abuse to gain a tactical advantage. In fact research from the Australian Institute of Family Studies indicates that the opposite is the case – people are under-reporting family violence.
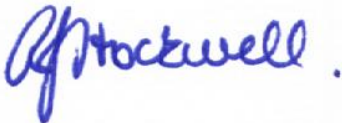
While proceedings in the Family Court can be stressful for everyone involved, research by the Australian Institute of Family Studies indicates that the violence allegation rates during proceedings in the Family Court are similar to the reported rate in the general divorcing population. In fact, Australian research tells us that the concerns about child and family safety are very real, especially during divorce. Women and children are at their most vulnerable to family violence when parents are separating.

You have raised particular concerns about the adverse impact of these amendments on men. While I understand that you have had a painful experience with the family court, the amendments to this Act are about the rights of children and the responsibilities of parents. It is not a debate about whether parents or a gender will be worse off. I am sure that you will agree that a child has a right to be safe from harm and this includes a right to be safe from parents who engage in violent behaviour – and it is this right that is at the heart of these reforms.

As you know, violence against women has pervasive personal, economic and social costs. That is why the Commonwealth Government along with states and territories has developed the *National Plan to Reduce Violence against Women and their Children 2010-2022* (the National Plan). Since April 2010, the Commonwealth Government has committed over $86 million to new National Plan initiatives, with a focus on primary prevention, improving service delivery, research and other measures necessary to a national approach. These initiatives make reducing violence a national priority and contribute to making Australia safer for everyone.

Thank you for your feedback on the evidence base for these reforms. I appreciate the opportunity to share these facts with you.

Yours sincerely

Stockwell.

Amy Stockwell
Adviser