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To,
The House of Representatives
Standing Committee on Family and Community Affairs

- * Mrs. Kay Hull [Chair]
- * Mrs. Julia Irwin [Deputy Chair]
- * Hon Alan Cadman
- * Mrs. Trish Draper
- * Mr. Peter Dutton
- * Hon Graham Edwards
- * Ms Jennie George
- * Mr. Chris Pearce
- * Mr. Cameron Thompson

We are submitting to the Parliament our concerns in regards to the Parliamentary Inquiry into Joint Residence Arrangements. While we acknowledged that in a perfect world shared parenting might provide children with an ability to spend equal time with each parent, it does not in anyway ensure the safety and wellbeing for these children.

The following issues need to be considered contextually for children who have experienced/witnessed domestic violence and abuse. As professionals who support women and children in these circumstances, we strongly oppose a legislative change that will further place women and children in untenable and life threatening situations.

For men who use violence-shared parenting is a continuing opportunity to control and abuse all members of a family regardless of their separation. It functions as a barrier for mothers leaving violent relationships because they know they will be forced to continue the relationship through the children. The Queensland Women's Legal Service provided a research report that details how mothers return to violent offenders because they cannot protect their children during contact visits. If they return to the relationship they can at least attempt to stop the abuse of the child. (Rendell, K., Rathus, Z and Lynch, A 2000)

Data from a 1996 Bureau of Statistics National Benchmarks study showed that 23% of women who have ever been married or in a de-facto relationship had experienced violence in that relationship. This means that one in five Australian women have experienced family violence by their current or former partner representing 1.4 million women. There is now a significant body of research that demonstrates that there is a high incidence of domestic violence in cases going to the Family Court and that domestic violence against women continues after separation and in many cases becomes the most dangerous time for women and children. In the Family Law Court of Australia it is indicated that in

3% of Interim hearings contact is denied to the non-resident parent. Alarming, after final hearing the statistics indicate that 28% of non-resident parents are denied contact with their children.

Current provisions of the Family Law Act already include mechanisms for shared residence being a child's right where it is in the child's best interests. The current Law assesses each child's situation in decision-making. A one-size-fit's-all approach will diminish children's rights to have each individual's unique interest's weighed by the Court. While the serious flaws in the current system exist the grave risks to children exposed to violence would only be exacerbated by introducing a formulaic approach to post-separation parenting arrangements.

Shared residence is the least common post-separation arrangement with only 3% of children from separated families in 'shared care' arrangements in 1997. Less than 4% of parents registered with the Child Support Agency last year had equal (or near equal) care of their children.

It should be acknowledged that the Family Law Court currently considers the best interests and wishes of the child in the final decision when granting residency. But how and where are these wishes constructed? What we do know from research is that children generally align themselves with the perpetrator and abuser. Anecdotally children say "she couldn't protect herself, how could she protect me?"

The presumption of Joint Residency from the point of separation will ensure that children raised with domestic violence and abuse will have little or no ability to break the cycle of domestic violence, all in a state of ignorance and supported by the State.

Statistics show that 70% of boys raised in domestic violence go on to repeat violent patterns of behavior, with girls learning to accept that they have little power and control with intimate relationships therefore ensuring that they stay with violent partners.

We urge you on behalf of the following organizations to explore more extensively the implications of a legislative change that can only be seen to be detrimental for women and children.

Charlotte Young
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Warrina Women and Children's Refuge
On behalf of:

Wendy Brodbeck
Coordinator
Coffs Harbour Women's Domestic Violence Court Assistance Service

Alex Ayrton
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