



**HORNSBY WOMEN'S DOMESTIC VIOLENCE
COURT ASSISTANCE PROGRAM**

House of Representatives Standing Committee
on Family and Community Affairs

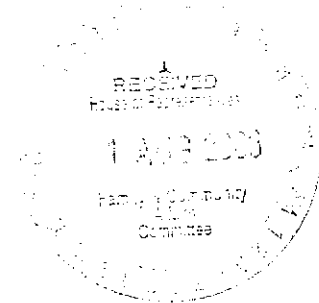
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Secretary:

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Committee of Representatives Standing
Committee on Family & Community Affairs
Parliament House
Canberra ACT, 2600



Dear Sir/Madam

I am writing, in my capacity as the Coordinator of the Hornsby Women's Domestic Violence Court Assistance Scheme (WDVCAS), to respond to the Parliamentary Inquiry into Joint Residence Arrangements.

The impact of a joint presumption of shared residence on families that separate as a result of domestic violence, is serious and complex. Court Support Workers regularly witness the results of violence toward women and children and the impossibility of negotiation between violent men and their partners. Yet the concept of shared residence depends on the ability to negotiate. I will outline some of the main concerns surrounding the presumption of joint residence.

- Women in domestic violence will stay in untenable situations due to the lack of **financial** assistance available.
- Being the resident mother of children is still the most likely predictor of poverty in Australia. Of single parent families, 75% - 85% are headed by single mothers. (ABS, *Labour Force Status and Other Characteristics of Families*, Australia CAT No 6224.0, at AGPS, Canberra, 2000)
- Women are more likely to experience financial hardship following material dissolution. In a 1993 study, husbands surveyed three years following their marital breakdown had returned to income levels equivalent to pre-separation while wives' income levels had dropped by 26%.
- Research has also shown that the degree of financial disadvantages women experience, post separation, may be exacerbated by spousal violence and lower earning capacity.
- Women are more likely to have lower rates of employment due to the difficulties with "week about" employment.
- Women on Centrelink payments and living in subsidised housing will have great difficulties naming their income and reporting changes as required.



HORNSBY WOMEN'S DOMESTIC VIOLENCE COURT ASSISTANCE PROGRAM

- Many women do not receive their **child support entitlements**. In 2000, a survey conducted of Child Support Agency clients revealed that only 28% of payees reported always receiving payments on time, while 40% reported that payment was never received. The Child Support Agency failed to collect nearly \$770 million in 2000-2001 and the debts written off by the Child Support Agency during this period rose by 27% to \$74 million.

This will retain the father in the position of power and control.

There is 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 escalates and continues after separation.

Shared residence works for some families where there has been a history of cooperation, a history of shared care pre-separation and where parents voluntarily enter these arrangements irrespective of the law. Shared residence for women and children who are victims of DV will increase the risk of further violence.

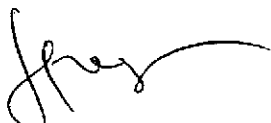
The presumption of shared residence will force some children to live with violent fathers and will force mothers to attempt to regularly negotiate and be in the presence of violent ex-partners. It provides a dangerous tool in the hands of abusive men who wish to control their women partners after separation.

Some boys and young men suffer from an excess of **destructive male role models**, not from their absence. They grow up with abusive adult men and violent and dominating images of manhood. **It is wrong to assume that any male role model is better than none.**

There will be an increase in litigation as parents who do not want 50:50 shared residency may have no other option, but to go back to court. Given the lack of legal aid funding, many people will self represent, stretching the resources of the Family Court and Federal Magistrates Service.

Many women report that where there have been issues of abuse they would rather stay in those situations so they can be with their children to protect them.

Yours Sincerely



Josie Gregory