



Penrith Women's Refuge Inc.

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House of Representatives Standing Committee
on Family and Community Affairs

Submission No: **540**

Date Received: **7-8-03**

Secretary:



JACKIE KELLY MP
Cnr Woodriffe & Tindale Streets
PENRITH 2750

Dear Ms Kelly

We write to you today regarding the proposed Family Law Amendments regarding 'Shared Residency Orders' to be discussed in Parliament. As an organisation providing safe accommodation for women with dependant children escaping domestic violence this is a grave concern for us and for the well being of the women and children who pass through our service.

We believe there are many areas to be considered with particular emphases being placed on the safety of children.

- It will place women and children who are victims of violence at increased risk of further violence. The presumption will force some children to live with violent fathers and will force mothers to have to regularly negotiate with and be in the presence of violent ex-partners.
- It provides a dangerous tool in the hands of abusive men who wish to control women partners after separation.
- It actually privileges the rights of parents over the right of children by over-riding of the 'child's best interests' principle which is entrenched in the *Family Law Act*.

- Unnecessary overload on the already significant cuts to Legal Aid funding as there will be an increase in litigation as parents who do not want 50:50 shared residence may feel the need to go to court.
- Many men already participate in their children's lives after separation. In these families neither father nor mothers need the law to tell them to do this. Further, most mothers wish to share parenting duties and responsibilities cooperatively with fathers who were significantly involved with their children prior to separation.
- It ignores the evidence from research that shared residence works for some families where there has been a history of cooperation, a history of shared pre-separation and where parents voluntarily enter these arrangements irrespective of the law.
- The changed proposal ignores the factors listed in the *Family Law Act* which must be considered by the Court in deciding parenting orders, such as children's wishes, capacity of the parent to provide for the needs of children, maintaining children in a settled environment and family violence.
- 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 interest.

We urgently ask that the Government reconsider the proposed changes to the Family Law Act.

Yours Sincerely



ANNE SILLETT
MANAGER

On Behalf of the Staff and Management Committee

6th August 2003