

Newcastle Domestic Violence Committee

Hunter Women's Centre
Cnr. Avon Street & Industrial Drive,
MAYFIELD NSW 2304

5th August, 2003

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

House of Representatives Standing Committee
on Family and Community Affairs

Submission No: 834

Date Received: 18-8-03

Secretary:

Re: Proposed changes to Family Law Act – Shared Care after Separation

Dear Sir/Madam,

It is with grave concern that we write to offer our thoughts on the above issue. Our committee believes that the current legislation successfully addresses shared parenting arrangements and adequately provides safety for children where there is a violent parent – usually the father. Both women and their children need this protection where violence is an issue. Changing the Family Law Act to include Joint Residency will diminish this protection as local courts will be reluctant to give children AVO (Apprehended Violence Order) protection or include them on their mothers AVO. Of course this then will result in more people going through the Family Courts if only to reject the idea of Joint Residency. Child Support payments and Centrelink payments will be effected by a 50/50% Residency order. Most women will find themselves in a greater poverty trap than they experience now causing some to become homeless due to their inability to pay ever increasing costs of rent. Other women will choose not to leave a violent relationship due to the economic deprivation ahead of them and so children will be 'at risk' while living in a family where violence is perpetrated. More women (and children) are likely to need hospital and medical assistance, with greater risk of serious injury. Many younger males exposed to a violent father continue to observe anti-social conduct during contact visits. NESB women with no Residency status in Australia will face deportation without the ability to claim that they are the appropriate carer of the children if fathers are automatically deemed a carer. The cost to the taxpayer and society, we believe is too great.

On the other hand, where violence is not an issue most mothers are grateful to share parenting duties and responsibilities with fathers who were significantly involved with their children prior to separation. These couples may reach agreements, which approach an equal division of time without reference to the law or a Court.

Community Legal Centres are concerned that the introduction of a presumption of shared parenting into the Family Law Act will lead to an increase in litigation as parents confuse children's rights with parents' rights. Ms. Zoe

Rathus, spokesperson for the National Association of Community Legal Centres states, "the Family Court is already overburdened with people representing themselves and this number is set to increase if the suggested changes go ahead".

We would appeal to your department to consider our concerns and that of countless women and children in our community that continue to suffer because of injustices to their personal safety and security.

Yours truly,

A handwritten signature in black ink, appearing to read "Jones", written over a vertical line.

Lee Jones
Representative