

TANDERRA

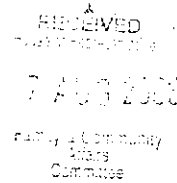
House of Representatives Standing Committee
 Women & Children's Refuge Ltd
 P.O. Box 289
 TORONTO 2283

ABN 41 002 698 491

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Secretary:

House of Representatives ~~Standing Committee on Family and Community~~
 Affairs
 Parliament House
 CANBERRA ACT 2600



Tanderra Women's Refuge welcomes this opportunity to state its concerns to the Committee in regard to the Enquiry into Joint Residency Arrangements in the Event of Family Separation. Tanderra Women's Refuge believes that the Committee must take into account the danger women and children face after separation from a violent relationship. Tanderra Women's Refuge would clarify that the area of concern is where there have been established cases of domestic violence or child sexual assault.

This service was established in 1979 to provide supported accommodation to women and children escaping domestic violence. In the 22 years this service has been operating it has been shown clearly that domestic violence does not cease on separation. It is also an established fact that in the case of domestic violence the most dangerous period for women and children is at the point of separation and after separation.

The proposed amendments are very disturbing from the aspect that children appear no more than property to be shared by both parents – regardless of the best interests of the child. It could also be seen that this suggested amendments devalues children with the assumption that regardless of their well being the parents demands are seen to be paramount.

We believe there is no justification for the suggested amendments as it has been demonstrated in the current Family Court decisions that shared Residency will not work if there has been a history of domestic violence from a partner.

It is our experience that in cases where domestic violence occurs this co-operation, communication, compromise and sacrifice is not possible. Decisions about medical treatment, social activities, even basic questions such as clothing and day to day care will cause further aggression and further violence. Children will continue to be witness of this conflict and violence therefore it will inhibit their sense of safety and effect their development emotionally and socially. Shared Residency arrangements are unlikely to lease children's fear of further harm to their mother or themselves with the risk of continuing violence when both parents are required to consult and agree on all aspects of day to day needs of children.

Our experiences is that most children coming into a refuge are fearful that their father will find them and they are convinced their mother will be killed. These fears interfere with children's ability to function in a healthy, positive way. Their education suffers, as do their relationships with the people in their lives. For a significant number of children who are concerned about their father after separation it is our experience that this concern

generally disappears when children realise that their father can take care of his own physical needs.

The issues for children who have experienced domestic violence are immense and the longer they suffer from this violence the more they are affected.

Data collected by the Australian Bureau of Statistics in 1996 in its National study of violence against women reported data on over 6000 Australian women physically or sexually abused or threatened in ways prosecutable under Australian law. It was found that 1 in 5 Australian women had experienced violence from a male partner during their lifetime. This rate was higher (42%) among separated or divorced women, compared with the 8% of those in current relationships. This being so, one must question the wisdom of any amendment that puts added emphasis on shared Residence as the right of parents.

This service supports many women through the process of Family Court matters and believes that the current legislation is not biased in favour of women. It is fact that the small numbers of unresolved matters, (less than 3%) that proceed to trial in the Family Law Court some 40% are cases where fathers gain Residency. Given all cultures have operated for centuries with the belief that mothers are the primary care givers of children these statistics show no bias against fathers.

Children should not be subjected to power and ownership struggles rather viewed purely from the best interests (including safety) of the particular child.

Domestic violence has been recognised as a significant issue in the Family Court. This service applauds this recognition and asks that the Committee continue to take the issues for children experiencing domestic violence with the seriousness they deserve. These suggested amendments would have serious implications for both women and children.

Yours sincerely

Jann Nicoll
Per Tanderpa Refuge Ltd.
7/8/2003