

# NORTHERN **CASA**

NORTHERN CENTRE AGAINST SEXUAL ASSAULT

House of Representatives Standing Committee  
on Family and Community Affairs

Submission No: **596**

Date Received: **15-8-03**

Secretary: .....



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

4<sup>th</sup> August, 2003

Dear Committee Members

## **INQUIRY INTO CHILD "CUSTODY" ARRANGEMENTS IN THE EVENT OF FAMILY SEPARATION**

The Northern Centre Against Sexual Assault has been offering short to medium term therapeutic counselling, group work and advocacy to recent and past victim/survivors of sexual assault for over 16 years. This includes providing 24hr crisis care and support to victim/survivors following a recent sexual assault.

Not insignificant proportions of the adult clients who attend NCASA have been sexually assaulted by their male partners, as have their children. Additionally, the significant majority of young people who attend the service between 12 and 18 years of age have been sexually abused by a family member who in most circumstances is their father or step-father.

Northern CASA fully endorses the submission made to the Inquiry by the Victorian Women's Legal Service and hence strongly believe that the *Family Law* Act should *not* be amended to introduce a presumption of joint residence. A presumption of joint residence for children is totally inappropriate for the following reasons:

- 1) it will place some women and children at greater risk of violence;
- 2) it focuses on the parental 'right' to a fair share of their children rather than focussing on the best interests of the child in terms of their emotional, physical and spiritual wellbeing;
- 3) there is no evidence that joint residence is in the best interests of the majority of children;
- 4) it may well result in joint residence orders being negotiated or made in appropriate circumstances jeopardising the safety and wellbeing of children; and
- 5) it does not reflect the reality of most families either before or after separation.

POSTAL ADDRESS: PO BOX 5444, HEIDELBERG WEST 3081

BUILDING 26, REPAT CAMPUS, BANKSIA STREET, HEIDELBERG WEST 3081 TELEPHONE 9497 1768 (BUSINESS LINE)

FAX 9497 2708 COUNSELLING LINE 9496 2240 (12.30PM - 5.30PM) A/H CRISIS LINE 9349 1766 (5PM - 9AM) TTY NO 9496 2309

EMAIL: [ncasa@armc.org.au](mailto:ncasa@armc.org.au) WEB: [www.northern.casa.org.au](http://www.northern.casa.org.au)

A DEPARTMENT OF AUSTIN AND REPATRIATION MEDICAL CENTRE

We consider that if any presumption is to be introduced into the *Family Law Act* it should be a presumption that children have no contact with abusive parents unless it is shown that, in the individual case, they will be safe from abuse. Further, that contact will truly be in their best interests.

The paramount consideration in custody decisions at all times should be the welfare of the child.

Kind regards

A handwritten signature in black ink, appearing to read 'Fran O'Toole', with a stylized flourish at the end.

Fran O'Toole

Manager

Northern Centre Against Sexual Assault