

House of Representatives Standing Committee on Family and Community Affairs	
Submission No:	708
Date Received:	8-8-03
Secretary:	

From: [REDACTED]
 Sent: Friday, 8 August 2003 3:16 PM
 To: Committee, FCA (REPS)
 Subject: submission from [REDACTED]

17 AUG 2003

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Submission to Inquiry into child custody arrangements in the event of family separation.

Re Terms of reference (a)i

For the last two years our family has been involved in the divorce of my daughter which has been painful in every sense of the word.

This has been an incredible learning experience.

As one who has worked for peace and humanitarian concerns throughout my personal and professional life and as a Quaker who seeks to follow our 350 years testimony to social justice, I thought we had a reasonably fair system in Australia. However the experience of my articulate, intelligent daughter makes me despair for those less well able to cope and without family support.

To summarise the situation: I visited the family frequently and witnessed my son in law's unpredictable and fierce outbursts of anger, his unfair punishments, his behaviour bordering on the obsessive compulsive.

I saw my grandsons in fear then and still in fear, needing extensive counselling now and in the future. I saw my daughter getting thinner and exhibiting typical domestic violence behaviour patterns. I was in Sydney when the culminating act of aggression against my grandson happened and my daughter realised her husband was not going to change and they were in danger. Our family despaired when the police were too busy to deliver the AVO so had to go back into the home and pretend, being so frightened of her husband's anger.

My daughter, is not easily frightened; she went into Court very well prepared with affidavits and she would have spoken clearly the truth under cross-examination, trying to protect her children. I was in court to give evidence and watched the rest of the proceedings with interest and growing dismay. Her husband giving his evidence: of profligacy in his own affairs but parsimony for his children who were/are living in poverty with my daughter.

Much of the evidence which was thought to substantiate my daughter's case was passed over and 'not heard' either in fact or metaphorically. In particular, the evidence of the expert witness who had interviewed the family for two days and recommended very limited access to the children, was ignored.

The judgement gives the impression that my daughter has lied. There was no money left after this debacle to fund an appeal which has created a problem of credibility in the future when further aggression occurs against the family. (As expected, this has happened)

Local police, the Women's Centre, mediation counsellors and DOCS were of unfailing support though being incredibly underfunded and short of trained and untrained staff.

It is very obvious to me

1. that the legal profession, especially those who are dealing

with Domestic Violence and families in crisis, need special training in the investigation, management and judgement of such families

2. That therefore those families who 'fall through the net' or, like my daughter, have incorrect judgements against them would be put in potentially severe danger if equal access was automatically given to both parents.

3. The vast majority of separating families come to amicable agreements.

Those who come to the Family Court for help are the ones who will need extra care.

4. Most of our comfortable population are unaware of the incredible trauma and difficulties faced by single parents (mostly mothers) in dealing with aggressive partners who are still seeking power over their families. It is time consuming at the least and can be deadly at its worst.

5. Our family are educated and articulate. Many are not able to navigate themselves and their children through the minefield of hearings, form filling, discrimination against women, despair and poverty whilst still trying to maintain a normal family and working life for themselves and their children.

In saying this, I am not taking an elitist position, my work as a medical practitioner, my upbringing in a working class family in a mining village gave me many insights into the inequality of life and the effects of desperate poverty.

6. Failure to act now to protect the families just leads to continuing problems down the generations and increasing costs from social problems.

(a) ii

With reference to my own experiences, it is advisable in most cases to have court orders to allow contact of the children of

separated parents with grandparents and other relatives and friends who are important to them.

7 August 2003

[REDACTED]

[REDACTED]

Copies for information forwarded to
Senator Bob Brown
Senator Lyn Allison
Harry Quick MHR
Duncan Kerr MHR
Carmen Lawrence MHR