



NO TO VIOLENCE (NTV)

MALE FAMILY VIOLENCE PREVENTION ASSOCIATION INC.

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House of Representatives Standing Committee
on Family and Community Affairs

Submission No: 843

Date Received: 17-8-03

Secretary:

Committee Secretary
Standing Committee on Family and Community Affairs
Child Custody Arrangements Inquiry
Department of the House of Representatives
Parliament House
Canberra ACT 2600
Australia
FCA.REPS@aph.gov.au

Friday August 8, 2003

Submission to the Inquiry into Joint Custody Arrangements in the Event of Family Separation

Dear Secretary,

Please accept our submission to the Committee's inquiry into Child Custody Arrangements.

No To Violence, the Male Family Violence Prevention Association Inc. (NTV) is the Victorian Government funded peak statewide organisation for agencies and individuals working in the field of male family violence in Victoria.

NTV is strongly opposed to the notion of a rebuttable presumption of equal time with both parents in principle, and specifically in relation to families where violence has occurred and therefore wishes to endorse the submission to this inquiry from the Domestic Violence and Incest Resource Centre (DVIRC).

NTV and its members deal with male family violence issues on a daily basis. The organisation's direct service, the Men's Referral Service, operates as a Victoria-wide service providing anonymous and confidential counselling, information and referrals for men who use violence or abuse against family members. In the last financial year, the service responded to over 3,400 telephone calls, with the majority of individual callers being men voluntarily seeking assistance in taking the first step to ending their violent and abusive behaviour towards family members.

Many NTV members provide men's behaviour change programs for men who have used violence as well as support services for women and children who have experienced male family violence.

As an organisation with some 120 individual and agency members working to prevent male family violence in this state, NTV requests that you consider favourably the submission by the DVIRC.

NTV affirms that, for some families, shared parenting can be a successful arrangement that is usually negotiated privately. As an organisation NTV actively promotes positive, non-violent and responsible fathering and shared responsibilities for parenting. We recognise, however, that some families are unable to arrive at shared arrangements without legal assistance. In these cases, which are characterised by high conflict and/or family violence, we are seriously concerned about the presumption of joint custody. NTV agrees that this proposal moves away from emerging evidence and legislation being introduced internationally that presumes no contact in cases where family violence is present.

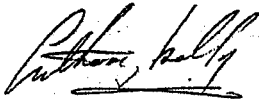
The safety of children must be paramount in determining post-separation parenting arrangements. It is not in the interests of a child to have presumed contact, let alone shared residency with both parents, if violence or the potential for violence is present.

Family Violence takes many forms beyond physical and sexual violence. Many women usually contend with men who use various forms of abuse such as verbal, social, emotional and financial abuse and controlling behaviour that are not explicitly illegal under current laws and may be extremely difficult for a woman to prove or assert. It has been well researched that many of the women living with violence from their male (ex)partners do not report incidents of violence to the police.¹ In affect, NTV believes that much family violence may be invisible to the Family Court, particularly in those cases where women have avoided formal reporting processes when dealing with the violence.

NTV supports the proposals put forward by DVIRC for the refinement of existing legislation to best serve the interests of children, and protect them from the risk of family violence. Further to this we would also recommend enhanced education at a legal and community level to encourage separating parents to make best use of the possibilities for shared parenting already existing within the parameters of the Family Law Act.

NTV would also welcome the opportunity to participate in forthcoming public hearings for this Inquiry.

Yours sincerely,



Anthony Kelly
Co-ordinator MRS
No To Violence

¹ Office of the Status of Women. (1995). Against the Odds: How Women Survive Domestic Violence. Canberra: Department of Prime Minister and Cabinet