

House of Representatives Standing Committee
on Family and Community Affairs

Submission No: **423**

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Secretary

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

Re: Joint residency proposal

Albury Wodonga Women's Refuge wishes to express its concern regarding the Enquiry into Joint Residency Arrangements.

This service has been operating since 1974 and received funding in 1976. The service provides accommodation and support to women and children escaping domestic violence. As such, we consider ourselves as experts in this field and feel that any move toward joint residence in regard to children who have experienced and/or witnessed domestic violence is a negative move and a backward step in relation to child protection issues.

The current system utilised in the Family Law Court certainly has its flaws and would benefit from a comprehensive review, however the court currently focuses on the *'best interest of the child'*. A move to looking at the interests of the *parents* is not in this services view either positive or constructive.

It has been clearly demonstrated that at least one in five children are effected by domestic violence in Australia and that there is a huge correlation between domestic violence and child abuse (both physical and sexual). It is

also clear that as domestic violence is '*silent and hidden*' therefore true reporting of its occurrence is difficult to achieve.

Having worked in the welfare field for fifteen years I have witnessed first hand the continued abuse of women who have left violent relationships when I have accompanied them when delivering the children or picking them up from access changeovers. Data indicating that the period *post separation* is the most dangerous for many women and children who have experienced domestic violence supports this.


Data regarding basic care and nurturing of children still indicates that the women is the primary carer in most families, seeing to the day to day needs of her children. We acknowledge that some men can and do look after the children in some instances as well as if not better than women and we also acknowledge that in these instances the best interest of the child would be to be with them. That is, providing domestic violence has not occurred in the relationship prior to separation and both parents agree that the child/children are better placed with their father (either in shared or full residency agreements).

Shared residency requires the commitment of both parents and will not work unless the parents communicate, compromise and negotiate arrangements that look toward providing the most appropriate physical and emotional support needs of the child. It can never be '*in the best interest of the child*' if he/she is placed in a situation where further abuse of them or their mother can occur. This is the sad reality of the situation surrounding domestic violence and court directed and enforceable contact arrangements.

In situations of domestic violence, children may continue to experience or witness violence and this in turn will continue to effect them emotionally and developmentally. It is likely that the power imbalance that led to the separation will continue to exist and decisions that are supposed to be made jointly in respect of the needs of the child/children will lead to further abuse.

The proposed amendments to the legislation in our view would have serious implications for women and children escaping domestic violence and this service therefore requests that the committee take this serious matter into consideration when making decisions that could adversely effect the safety of women and children escaping domestic violence.

Yours sincerely,

A handwritten signature in black ink that reads "Cath Kerr". The signature is written in a cursive style with a horizontal line at the end.

Cath Kerr

Manager

(On behalf of all of the staff at Albury Wodonga Women's Refuge Inc.)

07/08/03