

Submission No: 1270
Date Received: 8-9-03
Secretary:

Due to a number of complexities I was unable to fall in line with your due by date, especially due to ill health. That's a shame as in my work I see men and women and their children. I believe I see a good cross section of cases and issues, especially those where one or other of the adults have concerns regarding the safety of children. I also see extended family and community representatives whose lives have become enmeshed with the family members.

I also see many web sites which would assist the committee to look outside the often biased views of those who have made submissions, to broaden the picture and to cleanse the committee of those mythical beliefs about violence and child abuse. I have attached one such site and I think you'll see that those who choose to misrepresent figures to strengthen their perspective, are capable of doing so inaccurately. If the committee misses this huge fact, it runs the risk of being swayed to one side rather than the other. There are more if the are of interest.

I have no doubt my submission would be too late, so I offer a short perspective. Recently I assisted a woman for two years to escape a violent man. He just loved his children so very much he couldn't bear to be apart from them. He fought every step of the way to get as much access as possible. The negotiations were always within his threats.

Unfortunately for the children, when he had them he either abused them verbally about their mother, belted them for not lying well enough to solicitors and police, then usually drank and doped himself into unconsciousness, leaving them in the care of the eleven year old son. He regularly threatened to kill the mother, her family and friends, and me. The children - what do children think when a parent says these things?

Over time, the 11year old left mum and the girls because dad was too sad, and he needed someone to look after him. The father told the son he was going to kill the mother. One day he took them all to the park and before he returned to the house, instructed the children - 2, 6 and 11, to wait until they heard the sirens.

The mother came to collect the children, somehow he got her into the house and there he slew her, stabbing her more than 27 times. Forensics said the first and every slash was fatal. The kids heard the sirens and came back. Now, what do these children think about his power, strength and rights now, and how will it affect them from now on, with no mother. He was sentenced to 16 years jail for a vicious, premeditated murder. He claimed she made him do it. As they do.

Put yourself in the position of these children and ask about the presumption of 50/50 shared custody. The mother already stayed far too long for all the usual reasons - he's lovely when he's nice - its just when he drinks / dopes etc, for the sake of the children, she didn't want her family to break up, who'd believe her he's such a charmer, he doesn't let me have friends etc. If the presumption had been in earlier it would have meant she would have stayed with him, until he killed her. Is this a preferable option for our government?

Is it preferable to have an 'intact' family living in terror than another poverty stricken single mother?

The irony of the government allocation of resources meant for domestic violence and sexual assault services for women on frige magnets about terrorists was disgraceful, yet so ironic - if only those who make decisions about it understood that the real terrorists hurting and murdering Australians are Domestic terrorists destroying families without government sanction.

If your committee brings in a 50 /50 presumption for shared parenting, I predict you will see a drop in families breaking up. You will also see a rise in family murder. I guess a person really has to experience the murder of someone close before they can begin to comprehend what I'm saying. I have, in ten years in this work, never yet met a person experiencing the death by murder of a loved one, to not be totally overwhelmed by the experience. Experts, police, social workers, politicians, teachers, counsellors etc - ALL admit to devastation and new learning so unthought of it wipes out previous beliefs. I may not have explained it well, it may not be read or understood, but the committee needs to think hard before creating an outcome that jeopardises people's lives and futures. Kathleen Folbigg's father killed her mother, and she murdered her four children.... we just cannot predict the outcome.

Until the government can stop the violence and abuse, can govern a society which says no to violence and abuse (really - not just lip service of adversarial law where the victims can't even have legal representation) and where there is no link between state and federal services dealing with violence and courts etc, they are failing to develop the resources that will make it safe for families to stay together. The government needs to get tough on lawyers and courts, not on families.

This government does not seem to comprehend that abuse includes financial abuse. It is not about parents rights, but about the responsibility of parents to support their children, before they go off to repartner and re-breed. I can't believe it understands because of the far too many cases where Child support is not collected, is excused, where the organisation is obviously being ripped off, where Centrelink benefits are being manipulated with the overall impact of increasing single parent family poverty.

There must be open dialogue in Family Court including children and an end to the secret silences it currently survives on, the issues of sexual abuse must be taken seriously. There must be avenues to deal with the entrenched bias and blatant abuse of some practitioners - lawyers, child reps, psychologists, Family Court report writers. And judges and magistrates - there must be a system of review of decisions that is cheap and accessible. There needs to be a concept of blame where the behaviour of one or both of the parties has acted in such a way that the relationship has broken down because of danger to the other - violence, sexual abuse, financial abuse etc. The institution of marriage is doomed to fail in an ever-increasing number unless the government gets serious. I hope it gets serious in the right way that works for peace and opportunity to people and their kids, and not to punish the poorer or the downtrodden.

And finally, the government must value parenthood - mothering, fathering, grandparenting, aunts, uncles etc. The value of unpaid work must form part of the assessment. Unless it does you are just setting up families, in whatever form they exist, to break under the burden.

Regards

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