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20 October 2003



House of Representatives Standing Committee
on Family and Community Affairs

Submission No: 1664

Date Received: 30-10-03

Secretary: _____

Dear Kay

I am writing to you in relation to the Parliamentary Inquiry into Joint Residency Arrangements. I need to get my story across to you in the hope that it will assist the enquiry in its finding in relation to the idea of joint residency. I have been fighting a losing battle for a year now after returning back from New Zealand to Australia to live with my abusive, now ex-partner, and our three daughters aged three and twins aged four.

To put you in the picture, my ex-partner, who was born in England, is a permanent resident of Australia. I returned to New Zealand with him for three years and gave birth to my three girls there. I returned to Australia in 2001. It has been a very abusive relationship, and I know that it is hard for people to understand why women put up with this, but trying to escape would have put my life in danger, so for a while I stayed and tried to make it work for the sake of my girls, as my own parents separated when I was five.

I am a [REDACTED] citizen. I grew up in Australia. We lived in [REDACTED]. My step-father worked for the [REDACTED] Australian Government at this time. My siblings and I all grew up here, did our schooling here, and then returned to [REDACTED]. I then returned to Australia with my oldest daughter in 1995. Her father remained in [REDACTED] and she has since returned to live with him there. I have a wonderful relationship with my eldest daughter's father. We never had court orders in place in regards to our daughter as we were able to agree on the best decisions about her care. We also believed in not putting each other down or fighting in front of her. Children should not have to witness adults behaving badly.

In some cases if you have to agreeable parents then joint custody may be a good point to start from. However the situation with the father of my three younger children is very different. His violent and controlling behaviour has got worse since I left him. In my circumstances shared custody has meant that my ex-partner has been able to continue to be violent towards me at hand over and through the girls. The girls have continued to witness this violence and hatred and it has not done them any good.

I thought by leaving this violent and abusive man that I could live in peace. How wrong I was. And your court system in place now is actually making it possible for abusive men to put their wives and defacto's through even more hell. The family court process has been so stressful. It made me physically sick to have to see him and hear the things he said about me. To think that the court would presume joint custody would give him even greater and more horrible ways to make me pay for leaving his abusive ways. To think that the court would presume joint custody would create even greater hurdles for parents who have experienced violence who are required to attend family court processes.

Drugs played a huge role in my experience of violence. What sort of a role model is a father that gets drunk and beats Mummy every night or even abuses his own children. Do Judges in the Family Court understand that when they grant access visits with Dads every weekend, that these men are often violent, with long criminal records and they get to abuse the Mums at change over, like threatening to kill me or to "put me in a hole", in front of police who let him get away with this behaviour. Do these Judges understand that this access allows the abusive male to continue to dominate and control. If the findings of your Parliamentary Committee into presumed joint custody is to be successful then they

really need to look at the way that the state laws of Domestic Violence and Child Protection are given voice in the Family Law court proceedings.

Send these men to anger management and drug rehabilitation and THEN think about access and custody. A Protection Order has to overrule in the Family Law Court. A violent male has to prove that he can be trusted with the care of his children. We have to stop abusive men hurting our kids. We have to think of what is best for the children not what the rights of these men should be.

As I am not an Australian resident I have not been able to get a pension while living and parenting in this country after separation from my violent ex-partner. He has paid next to nothing in child support. Contact between him and my girls was a big burden for me as he would fail to send home the girls new clothes and if I was to use a contact centre I had to pay for it as well as the cost of travel. It seems really unreasonable to me that the Family Court should grant shared custody in circumstances where one parent, like myself, has no access to income in this country. How am I supposed to parent in these circumstances. The financial stress of my situation has been a big factor in me being unable to continue to parent my girls.

Meanwhile my abusive ex-partner was dragging me through the Family Law Courts. His family are wealthy and paid for his top notch legal expenses. I am left with a legal aide solicitor. The process is not fair and equal to start with so presuming joint custody where one lawyer walks all over another is not likely to get a fair outcome for women and for their children.

I beg you to rethink the issue of joint custody. I urge you to look over seas to New Zealand at their policies that support the rights of women and children to their safety and wellbeing. I hope that positive recommendations from the review can be implemented. I would be pleased to be kept updated on this matter.

Regards

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