

House of Representatives Standing Committee
on Family and Community Affairs

Submission No

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Secretary

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NSW Women's Refuge Referral
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Forbes Women's Refuge

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House of Representatives Standing Committee on Family and Community
Affairs
Parliament House
Canberra ACT 2600

Forbes Women's Refuge would like to voice their concerns to the Committee in regard to the Enquiry into Joint Residency Arrangements in the Event of Family Separation. Forbes Women's Refuge believe that it is necessary for the Committee to take into account the danger women and children face after separation from a violent relationship. Forbes Women's Refuge are stating the main area of their alarm at the proposal is in relation to cases of domestic violence and or child sexual assault.

It is a proven issue that in the case of domestic violence the most dangerous period for women and children is at the point of separation and after separation.

The proposed amendments are very disturbing from the aspect that children appear no more than property to be shared by both parents - regardless of the best interests of the child. It could also be seen that this suggested amendment devalues children with the assumption that regardless of their well being the parents demands are seen to be paramount.

We believe there is no justification for the suggested amendments as it has been demonstrated in the current Family Court decisions that shared Residency is welcome when both parents view this is the best option for their children.

Shared Residency takes a strong commitment from both parents and will not work in the best interests of the child unless both parents are willing, co-operate, communicate, compromise and arrange their lives to make it a viable arrangement for children. Most importantly it needs to be recognised that Shared Residency will not work if there has been a history of domestic violence from a partner.

Children should not be subjected to power and ownership struggles rather viewed purely from the best interests (including safety) of the particular child.

The staff at the Refuge have grave concerns that some women will be fearful to leave a violent relationship for fear that they will, under these new laws, have to share their children equally with a partner not fit to care and nurture children in a responsible manner.

These women have come from relationships as victims and by introducing new amendments to the Joint Residency Arrangements, we feel that they will continue to be victims, not only through the Court systems but also with a 50/50 Residency Order women could find themselves in a greater poverty trap. Numerous women that access our service are already dealing with economic crisis, does the government wish to increase the hardships suffered by these women even further.

Will this suit all families? Do our children need to adjust to two homes. What will be the emotional and social issues of the children involved. These are seen to be important questions for the welfare of our next generation.

Yours Faithfully,

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Forbes Women's Refuge