



CAMPAIGN FOR SAFETY AND JUSTICE FOR WOMEN AND CHILDREN IN FAMILY LAW

The NSW Women's Refuge Movement has launched a campaign on safety for women and children post-separation. The campaign focuses on the needs of women and children seeking safe living arrangements for themselves and their children through the Family Law Court.

Many women and their children suffer ongoing threats to their safety through judgments handed down by the Family Law Court. Their safety is threatened through:

- attending the court itself
- unsafe interim orders
- family Law Court processes such as mediation
- handover/contact and residency arrangements
- unsafe extended family visitation rights

The Howard Government is currently considering how they will implement recommendations from a 2003 House of Representatives Inquiry into child custody arrangements, available at: <http://www.aph.gov.au/house/committee/fca/childcustody/report.htm>.

Some of these recommendations will increase the instances in which women and children are placed in situations of ongoing harm. This is clearly not in the best interests of the child.

The Howard Government and the Family Law Court need to improve the safety of women and children by

- recognising that women provide at least 80% of the primary care of children and therefore ensuring that the policy of the Family Law Court is not changed to 50-50 as a starting point for parenting and residency negotiations.
- ensuring that the best interests of the child are held up in the Family Law Court above the rights of a violent parent.
- guaranteeing that women and children, especially those suffering domestic violence, have access to legal representation.
- Implementing the recommendations of the Family Violence Consultation Committee Report, The Family Court of Australia (June 2003).
- implementing a case management system based on the Magellan Project in Victoria. To be effective it would need to broaden its focus from child abuse to all forms of domestic violence.

The WRM has produced an action kit to help refuge residents, workers and others interested in these issues to lobby the Government. Included in this kit is:

1. A brief background to the campaign
2. How to get involved in the campaign
3. An example letter
4. A list of the politicians and decision-makers to send letters to
5. A petition
6. A flier to copy and use
7. A list of NSW media



Campaign Background

The NSW Women's Refuge Movement represents 55 refuges across the state that service women and children seeking protection from domestic violence. In most cases the perpetrator is the father. Many of the women and children go on to seek safe living arrangements through the Family Law Court.

The Howard government announced an Inquiry into "child custody arrangements in the event of family separation" last year. The inquiry report, *'Every Picture Tells a Story: Report on the Inquiry into child custody arrangements in the event of family separation'* was released in December 2003. Some of the recommendations within the report are a cause for concern to the WRRM:

"A key part of the Committees view of shared parenting is that 50/50 shared residence (or 'physical custody') should be considered as a starting point for discussion and negotiation." (HORI Report 2003 p.32)

Women currently undertake at least 80% of the primary care of their children prior to separation. It is in the "best interest of the child" for this arrangement to continue. Changing the starting point of child contact and residency arrangements to 50/50 will make escaping domestic violence and child abuse through the family law court more difficult than it already is.

Chief Justice Nicholson of the Family Law Court completed a survey in 2003 showing that of the 6% of women and children who make it to the final stage of judgment in the family court, more than two thirds of them have issues of physical domestic violence (*Submission of The Family Court of Australia: Part B Statistical Analysis*, to the HoR Inquiry into Child Custody Arrangements, Feb 2004).

Research by the Australian Institute of Family Studies identifies violence being present in 66% of marital breakdowns. This is a frightening statistic, especially when you consider that domestic violence and child abuse are both driven by a need for power and control and have therefore been found to be linked. Studies have also shown that in 50-70% of proven cases of child abuse, domestic violence was also present. Given this, it is hardly surprising that child protection has been identified as a significant part of the Family Law Court's workload.

The fathers' groups have sought to counter such protests on the grounds of safety by trivializing women and children's experiences of domestic violence and abuse by citing the myth of vindictive mothers. This myth, which protects the perpetrators, not the victims, has been repeatedly established as unfounded, in research both here and overseas.

Men's organisations have campaigned to increase contact with their children and decrease child-support payments post-separation. Through our campaign the WRM would like to address the excessive influence that their concerns have had on the findings and recommendations of this report and influence the politicians who will be responsible for amendments to the Family Law Act or Family Court policy.



How to get involved in the campaign

1. Write a letter to a politician

It is time that the voices of women suffering domestic violence reached the politicians. The politicians and the policy makers need to hear from women and workers in other organisations.

Send a copy to the politicians listed in this kit, to the Family Law Court and your local federal member. To find out who and what their details are, visit www.aph.gov.au or call the Australian Parliament House on (02) 6277 7111. (Make sure that you let each politician know who you've sent it to by including the names of the others in the "cc")

2. Organise a meeting with your local federal member of parliament

Call or write to your local member requesting a meeting to discuss the ways in which the family law system is letting down women and children who are escaping domestic violence and child abuse. Secure a commitment from them to take action and to respond to your concerns.

3. Write letters to the major dailies and to your local newspaper

Politicians keep a close eye on letters to the editor, make sure that your concerns are seen in print! Go to the WRRRC web site: www.wrrc.org.au for a full list of national and NSW based newspapers and talk-back radio stations.

5. Sign and distribute the campaign petition

Download and distribute the petition attached. Please POST (not fax or email) the completed petition to the Womens Refuge Resource Centre: Level 1, 619 Elizabeth St, Redfern, NSW 2061.

5. Distribute the campaign fliers in your organization or if you are attending an appropriate event.

6. Keep informed

If you would like to receive email updates, or if you would like to get involved in the campaign, contact the NSW Women's Refuge Resource Centre on (02) 9698 9777 or by email on po2@wrrc.org.au.

If you would like us to send you any campaign materials please contact the office and specify the quantity you need.

Visit www.wrrc.org.au for updates and events coming up.

(Your Address)

Example letter

The Honorable Larry Anthony
Minister for Family and Community Services
Parliament House,
Canberra, ACT 2600

(Date)

Dear Sir (or Madam),

(suggested introduction) I am writing to you in about the recommendations made in the Parliamentary Report, 'Every Picture Tells a Story', into child custody arrangements and the Howard Governments approach to domestic violence and child abuse.

I am deeply concerned that the report recommends changing the policy of the Family Law Court so that 50/50 shared residency (or physical custody) becomes the starting point for discussion and negotiation of child contact and residency orders.

(Insert your specific comments here, based on your personal or professional experience)

(Suggested ending) I call on you to acknowledge that the majority of women, go through the Family Law Court to try to ensure my safety and the safety of my child/ren.

I do not support changing the Family Law Court processes, by legislation or policy, to automatically give the violent parent increased access through contact or residency orders. It is already difficult for women in situations of domestic violence to protect themselves and their children. It is also clearly not in the 'best interests of the child' to have their routine and stability undermined by joint residency arrangements.

I implore you not to make it any harder for women and children going through the Family Law Court, and to instead look at ways of improving the processes identifying and then protecting women and children from violent partners.

Two very good places for the government and the Family Law Court to start would be implementing the recommendations of the Family Violence Consultation Committee Report, by the Family Court of Australia (June 2003) and funding the implementation of a case management system based on the Magellan Project in Victoria.

Please ensure that the best interests of the child are held up in the Family Law Court above the rights of a violent parent.

I look forward to your response to these matters.

Yours sincerely,

(Your Signature)

(Your Name)



Campaign for safety and justice for women and children

Who to write to

WRRRC is offering to copy and send your letters for you to this list, as we are aware that you are busy. This will also allow the movement to keep track of the numbers of letters being sent, and the issues raised. If you would like us to do this, then please mail your letter to;

WRRRC Campaign for Safety
Level 1, 619 Elizabeth St
Redfern NSW 2016

Or, if you would prefer, you can send your letter directly to the politicians listed below:

Send a letter to	You can also send a letter to
<p>The Hon Lawrence (Larry) Anthony <i>Minister for Family and Community Services and Minister for Children and Youth Affairs</i> PO Box 6996 Tweed Heads South NSW 2486 E-mail: Larry.Anthony.MP@aph.gov.au Tel : (07) 5524 2466, Fax : (07) 5524 9366</p>	<p>Your local Federal Member of Parliament To find out who and what their details are, visit www.aph.gov.au or call the Australian Parliament House on (02) 6277 7111. It's their job to listen to and respond to your concerns, and represent you in Federal Parliament.</p>
<p>The Hon Wayne Swan <i>Shadow Minister for Family and Community Services</i> PO Box 182 Nundah QLD 4012 E-mail: Wayne.Swan.MP@aph.gov.au Tel: (07) 3266 8244 Fax: (07) 3266 4263</p>	<p>Senator Michael Foreshaw (ALP) <i>Parliamentary Secretary for Family and Community Services</i> PO Box 1067 Sutherland NSW 1499 Email: senator.forshaw@aph.gov.au Tel: (toll free) 1300 301 781 Fax: (02)</p>
<p>The Hon Kay Patterson <i>Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women</i> 270 Clayton Road, Clayton VIC 3168 E-mail: senator.kcpatterson@aph.gov.au Ph: (toll free) 1300 132 317 Fax :(03) 9544 5535</p>	<p>Senator Jacinta Collins (ALP) <i>Shadow Minister for Children and Youth</i> Unit 6, 410 Burwood Highway Wantirna South VIC 3152 Email: senator.jacinta.collins@aph.gov.au Tel: (toll free) 1300 131538 Fax: (03) 9800 2421</p>
<p>The Hon Phillip Ruddock <i>Attorney General</i> PO Box 1866 Hornsby Westfield NSW 1635 Tel: (02) 9482 7111 Fax: (02) 9482 7018</p>	<p>Senator Kerry Nettle (Greens) Ground, 111-117 Devonshire St Surry Hills NSW 2010 Email: senator.nettle@aph.gov.au Tel: (02) 9690 2038 Fax: (02) 9690 2041</p>
<p>Family Law Council Robert Garran Offices, National Circuit BARTON, ACT, 2600 Email: flc@ag.gov.au Tel: (02) 6250 6842 Fax: (02) 6250 6521</p>	<p>Senator Natasha Stott-Despoja (Democrats) PO Box 3419 Rundle Mall SA 5000 Email: senator.stottdespoja@aph.gov.au Tel: (08) 8232 7595 Fax: (08) 8232 7601</p>
<p>The Hon Nicola Roxon <i>Shadow Attorney General and Assisting the Leader on the Status of Women</i> 204 Nicholson St Footscray VIC 3011 Email: nicola.roxon.MP@aph.gov.au Tel: (03) 9687 7355 Fax: (03) 9689 6523</p>	

PETITION

Safety for women and children in family law

TO THE HONOURABLE THE SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES ASSEMBLED IN PARLIAMENT:

This petition of certain citizens of Australia calls for a rejection of the presumption of 50/50 shared residency being the starting point of all negotiations for child contact and residency in the Family Law Court. This parenting arrangement has not been found to be ideal or practical for most families, and is actually dangerous in cases where there is entrenched conflict, child abuse or domestic violence.

We, the undersigned, call upon the Federal Government and the Family Law Court to improve the safety of women and children by

- Ensuring that the best interests of the child are held up in the Family Law Court above the rights of a violent parent.
- Guaranteeing that women and children, especially those suffering domestic violence, have access to legal representation.
- Implementing a rebuttal presumption of no contact when there are allegations of domestic violence and child abuse.
- Legislating a presumption of safety in the Family Law Court.
- Implementing processes within the Family Law Court that screen for domestic violence and child abuse.

Name	Signature	Address
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Please mail (not fax) the completed petition to the NSW Women's Refuge Resource Centre:
Level 1, 619 Elizabeth St, Redfern NSW 2016. For more information on the campaign call 02 9698 9777.

Safety and Justice for women & children in Family Law

The majority of families going through to final judgment in the Family Law Court experience domestic violence and child abuse

A 2003 Family Law Court survey showed that of the 6% of women and children who make it to the final stage of judgment in the Family Law Court, more than two thirds are dealing with issues of physical domestic violence (*Submission of The Family Court of Australia: Part B Statistical Analysis*, to the HoR Inquiry into Child Custody Arrangements, Feb 2004).

This figure does not even take into account women and children experiencing non-physical forms of domestic violence such as financial, psychological, emotional, social, cultural or religious.

Women are still responsible for 90% of the primary care of children

The Family Law Court currently commences negotiations on this basis.

The Government thinks that this is not 'fair' and wants to change the basis for negotiations to a presumption of 50/50 shared residency.

A 2003 House of Representatives Inquiry into child residency arrangements post-separation recommends that this presumption is not made into law because of the impact that this will have on families suffering domestic violence. Yet they and the government want to bring it in the back-door by making the presumption of 50/50 shared residency the starting point for negotiations for child contact and residency orders in the Family Law Court.

This is:

Not safe
Not in the best interests of the child
Not in the best interests of the mother



NSW Women's Refuge Movement

wrrc@wrrc.org.au
Level 1, 619 Elizabeth St, Redfern NSW 2016
Ph 02 9698 9777 Fax 02 9698 9771

The Howard Government and the Family Law Court need to improve the safety of women and children by

- ensuring that the policy of the Family Law Court is not changed to a starting point of 50/50 shared residency for negotiations.
- ensuring that the best interests of the child are held up in the Family Law Court above the rights of the non-resident or violent partner.
- guaranteeing that women and children experiencing domestic violence have access to legal representation.
- implementing a case management system based on the Magellan Project in Victoria. To be effective it would need to broaden its focus from child abuse to all forms of domestic violence.
- implementing the recommendations from the Family Violence Consultation Committee Report (June 2003) of the Family Court of Australia.

How to get involved in the campaign

**Write a letter to the major dailies and
to your local newspaper.** Tell them that politicians
need to take responsibility for the safety of
women and children post-separation.

Write a letter to a politician
Prime Minister John Howard
Parliament House
Canberra ACT 2600

Hon Larry Anthony *Minister for Family
and Community Services and Minister for
Children and Youth Affairs*
PO Box 6996
Tweed Heads South NSW 2486
E-mail: Larry.Anthony.MP@aph.gov.au
Tel : (07) 5524 2466, Fax : (07) 5524
9366

The Hon Wayne Swan *Shadow Minister
for Family and Community Services*
PO Box 182
Nundah QLD 4012
E-mail: Wayne.Swan.MP@aph.gov.au
Tel: (07) 3266 8244 Fax: (07) 3266 4263



Come to International Women's Day 2004 Rally and March

Come and march with the NSW Women's Refuge Movement: look for the banner! Saturday, 13th March, 2004, 11am at Town Hall, Sydney. At 11.30am, Argentinian women drummers will lead the march to Hyde Park where there will be speakers, entertainment, kid's activities, as well as stalls for organizations, campaigns and food. To find out what's going on in your area log on to www.women.nsw.gov.au.

Download our action kit for more information from www.wrrc.org.au or call the Women's Refuge Resource Centre on 9698 9777 and we will send you one.

www.wrrc.org.au

February 2004

NSW Media Contact List

NSW Talk-Back Radio Stations

Station	Phone number
2UE	13 13 32
2GB	13 18 73
2BL	(02) 8333 1000 Talkback 1800 800 702
Radio National	1800 802 341

Major / National Papers

	Website address
The Australian	www.theaustralian.news.com.au
Sydney Morning Herald	www.smh.com.au
The Sun Herald	www.sunherald.com.au
The Age	www.theage.com.au
The Canberra Times	canberra.yourguide.com.au/home.asp
The Australian Financial Review	afr.com
The Daily Telegraph	www.dailytelegraph.news.com.au
The Weekly Times	www.theweeklytimes.news.com.au/
Your Guide (160 local newspapers)	www.yourguide.com.au/yourguide.asp
Independent News Group Online	www.inews.net.au/
McPherson Media Group	newspapers.mcmedia.com.au/index.asp?pub=FIN

Social, Cultural or Political papers

Irish Echo	www.irishecho.com.au/
The Green Left Weekly	www.greenleft.org.au
The Guardian (Communist party)	www.zipworld.com.au/~cpa/guardian/guardian.htm
Local Government Newspaper	www.loc-gov-focus.aus.net/
Chines Australian Daily	www.ausdaily.net.au/
Australian Jewish News	www.ajn.com.au/
Bharat Times (Indian)	www.bharattimes.com/
Melbourne Community Voice (GLBT)	www.mcv.net.au/
The Sydney Star Observer (GLBT)	www.ssonet.com.au/home.asp
National Indigenous Times	www.indigenoustimes.com.au
Workers Online	workers.labor.net.au/latest/
Greek National	www.neoskosmos.com.au/

Regional & Rural Newspapers

Newcastle Newspapers	www.nnp.com.au/menu.html
The Land	theland.farmonline.com.au/home.asp
The Armidale Express	armidale.yourguide.com.au/home.asp
Bay Post ~ Moruya Examiner	batemansbay.yourguide.com.au/home.asp
Bega District News	bega.yourguide.com.au/home.asp
Blayney Chronicle	blayney.yourguide.com.au/home.asp
Blue Mountains Gazette	bluemountains.yourguide.com.au/home.asp
Bombala Times	bombala.yourguide.com.au/about.asp
Boorowa News	boorowa.yourguide.com.au/home.asp
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Eastern Riverina Chronicle (Holbrook)	henty.yourguide.com.au	mail.holbrookchron@ruralpress.com	(02) 6036 2770	
The Inverell Times	inverell.yourguide.com.au	editor.invtimes@ruralpress	(02) 6722 3155	(02) 6722 4431
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The Queanbeyan Age	queanbeyan.yourguide.com.au	editor.queanbeyanage@ruralpress.com	(02) 6297 3033	
The Scone Advocate	scone.yourguide.com.au	mail.sconeadvocate@ruralpress.com	(02) 6545 1155	
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Manning River Times (Taree)	taree.yourguide.com.au	mail.mrtimes@ruralpress.com	(02) 6552 1988	
Tenterfield Star	tenterfield.yourguide.com	mail.tentstar@ruralpress.com	(02) 6736 1799	
The Village Journal (Lismore-Mullumbimby)	main.nrg.com.au/~journal/index.html			
Western Advocate (Bathurst)	bathurst.yourguide.com.au/home.asp	mail.westernadvocate@ruralpress.com	(02) 6331 2611	(02) 6332 2709
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The Northern Rivers Echo	www.echonews.com/			
Tallaganda Times (Braidwood)	braidwood.yourguide.com.au/home.asp	mail.tallatimes@ruralpress.com	(02) 4842 2508	