

Submission No. 14  
Date Received

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14 JUL 2005  
BY: LACA

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From: [REDACTED]  
Sent: Thursday, 14 July 2005 12:38 AM  
To: Committee, LACA (REPS)  
Cc: Baldwin, Bob (MP)  
Subject: Response to Terms Of Reference for Exposure Draft FL Amendment (Shared Parental Responsibility) Bill 2005

a) encourage and assist parents to reach agreement on parenting arrangements after separation outside of the court system where appropriate.

The only effective way of doing this, is to separate the issues involving Custody, care, access, what ever they decide to change its name to now, from the other issues surrounding divorce or separation. No blame divorce is great, except where it comes to considering the matters of child time allocation with each parent. When a parent cheats on their partner, they are also cheating on their children, is this not a form of child abuse? There is currently, from my point of view, with many friends and also other family members involved in these issues, absolutely no gender equality in the system. The Federal Government, seems to currently feel that with having a majority in both Houses Of Parliament, that it gives them a mandate to pass any laws they see fit, I totally disagree with this, it should make them think very carefully about how they introduce laws, even to the extent of a public Referendum.

So, How to Fix Part a)?

1 Remove the ability of those who can and will profit from others misfortune, bring in a liability on Lawyers and Barristers, that they must advise their clients correctly, and any paperwork must be with the other client by 21 days before a court hearing, I have heard so many times, of people receiving paperwork, late on a Friday afternoon, with a court appearance on Monday morning.

2 A liability where false accusations are made, especially in regards to child sexual abuse, these matters should be heard and dealt with in a criminal court, and totally resolved before any custody issues are dealt with, with the normal "presumption of innocence" and right to a trial by Jury. In the long run, false allegations are just as much child abuse, and regretfully make it impossible to get to part b) without being dealt with as separate criminal proceedings and liabilities.

3 Look at both parents as parents, not Mum and Dad. Neither parent has the right to spend more time with a child, unless it is proven criminally to be detrimental to that child.

4 You cant force separated parents to negotiate, in an FRC, when it is known just how volatile these situations can be. The negotiation process must be seen to be voluntary, otherwise we might as well let a Judge and Jury sort it out. I see a great need to introduce the right to Jury judgements, where the FCA is concerned. Far to often, the FCA gets in wrong, where access is concerned, with a Judge sitting as an arbitrator.

b) Promote the benefit to the child of both parents having a meaningful role in their lives.

See response 2 above. Part of doing this will (promoting benefits to child) need to be to look at both parents as just that, parents, no gender specification.

c) Recognise the need to protect children from family violence and abuse.

Once again, the only natural way that I see to protect the child, is by all the responses for part a), let Natural Justice take its course before even looking into custody issues. If a parent is found to be abusing a child, quite often, that parent may have been abused as a child, a victim as well as a perpetrator,

and may be better served, by being treated in a healthy manner by the systems, rather than as a criminal.

d) Ensure that the court process is easier to navigate and less traumatic for the parties and children.

1 A 21 day mandate on paperwork, for starters. All paperwork, must be in the hands of the parties 21 days prior to proceedings. 2 Systems in place that make it far easier to be Litigant or Applicant in person, and only child representatives required in the most volatile cases. 3 Allow for independent psychological evaluations, far too often, I hear that the child's psychologist, or parents psychologist have made determinations, that could be totally refuted by another psychologist, so what one expert may see as child abuse, another might see as normal necessary discipline, but their opinion isn't allowed, taking away from a natural justice process.

The original findings by the senate select committee, in the report "Every Picture Tells a Story", allows for equal parenting responsibilities, one of these responsibilities, must be viewed as equal parenting time, and this committee's refusal to re-open discussions on this issue is disgusting. In effect, by rejecting 50/50 parenting, the government is actually rejecting the approach of sharing parental responsibilities. This issue is far from closed, and for this reason, this email has been forwarded to my local MP also.

[REDACTED]

Equal parenting time, is for the children, it is in their best interests, just ask my kids, I share the care, responsibilities, and sometimes more so than the mother, especially where their sporting interests are concerned. I also benefit in my mental well being, and physical health through the contact and time I spend with my children, sure, it is hard work, and sometimes, not being female makes it harder, but we all survive, and benefit from the mutual relationship. On the [REDACTED], I took my [REDACTED] to their [REDACTED]. [REDACTED] If I can do these things for my children, How can they be bad?