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8 August, 2003

Committee Secretary
Standing Committee on Family and Community Affairs
Child Custody Arrangements Inquiry
Department of the House of Representatives
Parliament House
Canberra ACT 2600

Dear Sir / Madam:

Submission by Alexander Peniazev

1.0 Preamble

I am making a submission to this inquiry on basis of my 8 years long personal experiences after short marriage and separation/divorce from my now 10 and 11 years old daughters.

I firmly believe that I should be sharing the parenting of my children. During that period I was and I am faced with continuos confrontation with Family Court of Australia, Child Support Agency, Legal Aid, Centrelink, Education Department, Police, DOCS and lawyers. All of these authorities are and were apparently anti father and see and saw the mother as a main parent. The father is simply assigned role of the infrequent visitor to his children and source of funds. My daughters are enjoying our very limited time together. [redacted]

In 1970's when Family Court has been created in 1975, the typical family unit was composed as a sole breadwinner father, a homemaker mother and their children. The mother seldom worked and assigned domestic functions role. In case of breakdown of such family the Court usually devastate father financially and emotionally as mother assumed to be without earning abilities. This stereotyped

approach is used widely also in current climate, using dogma *that best interests of the child are the paramount consideration.* It is hard to believe that destruction of father is justified to enrich the mother in interests of the children. This practice of the wealth redistribution appears to be remarkably similar to inherently anti-family Marxist ideology enforced in USSR since 1917 and later in Eastern Europe. I can not see how the million of children of split families benefit from removal of father from their lives.

In 2000's times the Court is using the same, now hopelessly outdated, family unit stereotype of 1970's. The contemporary intact family unit is composed of two income earners, not one. This is a necessity, rather then choice, for both parents to derive the income to meet ever rising costs of today's family living expenses. The domestic duties and care of the children are now have to be equally time-shared in intact family. This change is not reflected in the Court judgements of today. It appears the Courts are using case precedents since 1975 based on now outdated model of unemployable single mother to be living off others. I believe these Court practices are denigrating to most honest, self-sufficient and productive single women in age of unquestionable equal opportunity open to every woman in Australia.

It is time to reform the Family Law to reflect these social changes. It requires two people to produce the child. Both parents should share financial and emotional needs of their offspring. The starting point in case of break up of family unit is 50-50 time-share care of the children. This should be stated clearly in the Act and implemented by the Courts in case of disagreements between splitting partners. The post separation lives of the parents shall be restructured to meet 50-50 legislative requirement.

It certainly will not be possible to comply with this principle in 100% of the cases. In such minority of the cases adjustments can and shall be made between the parents to agree to other pattern of time-sharing arrangements.

The shared and equal parenting practice is the only one way to ensure that the concept *"the best interests of the child are the paramount consideration"* is met to full extent.

The current Court practice is to punish one of the parents usually the father. The Court generally orders to remove children from him, to strip his possessions, to confiscate his superannuation savings and

awards cost orders against him. This practice has nothing to do with the best interests of the child.

The Court practises also have nothing to do with the best taxpayer interests as usually the productive men processed by the Courts are reduced to welfare recipients via loss of the employment, bankruptcy and rapid health deterioration. In extreme cases men in age bracket between 20-45 can't stand the pressure of losses imposed on them and are committing insane acts such as choosing to end their life. Suicide epidemic is alarming, Australia looses about 1000 productive men per year, which can be stemmed from the Court and Child Support Agency activities. Yet both Administrations denying this link and do not wish to open independent analysis of the epidemic.

The suicide rate of the separated men perhaps may be reduced if the separated men are given responsibility and time-share care of their offspring.

2.0 My background.

I am 64 years old retired electrical engineer. I have arrived to Sydney in October 1962 from China. Since my 1st day in Australia to my retirement I never received a single welfare dollar, as I was always employed. I have received my Engineering Degree in Australia in 1973. In 1974 I have joined NSW Public Service and retired due to voluntary redundancy due to power industry restructure. In 1974 I have joined compulsory NSW State Superannuation Fund, and contributed to secure my retirement income without dependence on Social Security Benefits I have retired 10 months before 60, a nominal retirement age for state public servants.

My first marriage was in Oct 1965 and ended in 1986 due to brain stem infarct to my wife in May 1975. I brought our son since 6 months old, as mother was totally incapacitated. Despite single parenting I was working and did not draw Social Security benefits. My son is now 29 years old and has his own life although he nominally lives with me. No Court was involved, as problems were resolved between us amicably.

In 1991 during my overseas holidays I have married my last wife in USSR. I brought her as my wife to Australia in 1991 and we have two daughters born in 1992 and 1993. I also arranged permanent residence to my new mother-in-law. In early1995 both women moved out from my house when I was on work with both little children and even did not leave me their new address. [redacted]

I would like to draw particular attention to the Committee that if shared parenting arrangement was in place, this situation would not be possible. The children would be developed normally between two parents as opposite to single mother obsession with removal of father from children lives. I would be tax paying self-funded retiree with ample time to care for our kids and the mother would have to work to support herself. Clearly the children and taxpayer would be much better off. The losers would be only divorce industry practitioners.

3.0 The Family Court.

The Court should be reformed to implement the 50-50 shared parenting concept. The following should be considered:

3.1 Removal of all legal cases precedents prior to date of shared parenting Amendment to the Act.

3.2 Replacements of FCA functions by lawyers free Family Tribunal.

3.3 Abolition of Family Court and integration of Family Law Cases into Federal Court System.

3.4 Judiciary should be retrained to implement unbiased and impartial practises of shared parenting concepts.

3.5 Any new appointee to the Court should demonstrate to selection panel their commitment to shared parenting.

4.0 **Family Law Act.**
The following shall be considered:

4.1 Amend the Act as per Senator Len Harris "*Family Law Amendment (Joint Residency) Bill 2002*"

4.2 Section 121 of the Act should be removed.

4.3 "*The best interests of the child are the paramount consideration*" concept shall be redefined in view to exclude a mechanism for destruction of one or both parents assets, productivity and capacity to work.

4.4 The possession of the children shall not be a determining factor in property settlements and superannuation splitting.

4.5 Provisions for the contact with the grandparents shall be specifically made within the Act

5.0 Child Support Agency

5.1 The Agency should be replaced by Family Tribunal. The current Child Support Act should be repealed. The Agency activities are costing taxpayers dearly.

5.2 The performance figures supplied by the agency are suspicious as all other activities. The CSA is demonstrating its poor integrity of their operations every day. It is most troublesome Government body and occupies considerable time to process complains in local MP offices. It is most equally hated Government Department by men and women.

5.3 The child support should be consisting of two components. One of component is fixed amount of

minimum children costs. It may be BSU figure to be integrated in the ATO tax collection and should be part of annual Tax return. The other component should be determined by Family Tribunal and be administered by Centrelink along FTB processing.

5.4 In true 50-50 shared parenting and approximately equal incomes there should not be CS payments. But in case of large income differential the CS may be consist of one component only determined either by parents themselves or by Family Tribunal and administered by the Centrelink.

5.5 The CS amounts shall not be exorbitant and shall preserve the initiative to earn more for the individuals desiring to better themselves.

5.6 The 'slavery' culture of current CSA, the punishments, penalties, garnishing of bank accounts, wages, DPO and other CSA-Bolsheviks methods are forcing people into unemployment and bankruptcies. Then it is no use to flog a dead horse. The taxpayer will have to pick up the costs to support another CSA victim. The taxpayer is better off without current CSA oppressive and repressive activities. The person receiving CS above say $1000 per year shall submit yearly return to be accountable for money spent to the Centrelink.

6.0 Conclusion. The introduction of shared 50-50 parenting for separated /divorced parents are a great step forward. The children, grandparents and taxpayers will be benefiting from the Amendment to the Act. To be successful this reform need to be supported by other changes in Family Law Practice and changes in other relevant Acts.

Yours faithfully,

Alexander Peniazev