

Men's Rights Agency,
P.O. Box 28, Waterford Q 4133
Tel: 07 3805 5611
Fax: 07 3200 8769
Email: mra@ecn.net.au
Website: www.mensrights.com.au

When the Family Law Pathways Group was first announced many eagerly awaited more detail, especially the names of those, who would participate in the forum.

For the first time we thought the Government may be on the right track and would appoint a good cross-section of people from all the interested parties - those representing men, women and children.

Instead, the membership composition of the panel causes great concern.

Lack of representation across the spectrum of all interested parties:

There are no representatives from men's/fathers groups, yet there are representatives from women's groups, one of whom has recently spoken out publicly to vilify fathers, who are low income earners.¹ There others who are known by their allegiances to favour a radical pro-feminist regime that is, by its very nature, anti-father and anti-family. However, there could be others on the panel who are genuinely seeking to improve the outcomes for separated families, but they are not obvious at this time. Bettina Arndt is the only person known to us who has consistently spoken out against the gender war in family affairs.

At the moment, the odds are seemingly stacked against just one person being able to influence, the decision making process of the Group, especially in the light of such formidable, known opposition. No matter how skilled the person may be in their endeavours to produce change by consensus we are convinced the current agenda will prevail. Therefore, perhaps we should conclude there was never any intention for this forum to produce any fairer or more equitable outcomes for fathers and their children, for if the intention had been present, then the Attorney General and the Minister for Families and Community Services would have ensured adequate representation of all interested parties?

In the best interests of women, or gender feminists seeking funding for their cause?

Some forum members seem to overly focus on the domestic violence issue and even though they may be acting with the best of intentions, they are perpetuating the victim status of women.

Since the 1980s the domestic violence industry has expanded at a remarkable rate, due in part to the statistics produced as a result of self-advocacy research projects.² Unfortunately, people are being encouraged to complain about the most minor of slights and even encouraged into making false allegations. Many DV applications are made purely to gain the upperhand in forthcoming Family Court hearings.³

Surely this approach is contrary to the aims of feminism? Promotion of victim status negates the promises made to women to guarantee their right to self determination and independence, if they so choose. Christine Hakim comments that "We must stop presenting women as 'victims', or as an undifferentiated mass of mindless zombies whose every move is determined by other actors and social forces... Women are responsible adults, who make real choices and are the authors and agents of their own lives."⁴

Ultimately, the current policy places far too many women into a role of dependency on government handouts, instead of being independently single or in a partnership role with their husband/defacto. Considerable research shows family disruption and divorce or separation is not good for children, their parents or society in general.⁵

The utopia promised by modern-day gender feminism remains just an illusion for most women. The vast majority - those with limited academic skills and limited opportunities will remain in the lower paid or part-time jobs,⁶ struggling to provide for themselves and their family. A job made that much harder without a partner to share the responsibility.

The domestic violence industry that promotes "women as victims of male patriarchy" is playing a significant role in separating families. Their protocol insists on separation of the parties, immediately, which prevents any opportunity to reconcile or even discuss in a civilised manner an impending separation. Being falsely accused of domestic violence as happens in many cases is unlikely to endear the accuser to the accused. But the DV industry has a vested interest. More alleged victims produces more dollars. Not that those dollars seem to be alleviating the suffering of those who genuinely need protection from violent partners, either male or female.⁷

In our opinion, that will always be the case, whilst only one side of the problem receives attention. Men as victims of violence and abuse are ignored, as are violent women. There are no anger management services for women, for to provide these services would be to admit women can be and are violent and that goes against the doctrine "women are always the victim and men the perpetrators of violence" and - "if they hit back, it is in self-defence".

Solicitor and university lecturer, Trevor Nyman, favouring counselling rather than a court ordered response to domestic violence said in a letter published in the NSW Law Journal, "...a group of lawyers, psychologists, probation officers and counsellors believe that violence in the home is the result of family dysfunction, amenable to counselling".

After making the point that there is no excuse for violence he continued, "...if a marriage can be saved with all the benefits to the parties and the children and the community, it is far better than a court ordered separation where the only winners are the statistic keeping people who regard every DVO as a notch on their gun."⁸

We have a system out of control! Using false statistics to create a climate of fear, domestic violence organisations have waged an unjustifiable war on men in general, thereby removing thousands and thousands of women and children from the security of their home life to be consigned to the welfare rolls and relying on government handouts for support. That's not independence - it is a retrograde step.

I mention domestic violence early in the piece because, although it is a state legislative issue, it is the tool that is often used to dictate the carriage of a family law matter. An easily gained domestic violence order against a father gives an undoubted advantage by removing him from

the home, thereby establishing sole parenting, which usually results in a financially beneficial settlement of the family assets.

There is serious speculation from the legal profession that only 5 to 10 percent of applications are genuine. Other whistleblowers who work in the industry confirm these figures but are unable to come forward for fear of retaliation against their families and losing their employment.

Federal Government sponsored organisation perpetuates the myth:

The Federal government has involved itself in the issue of domestic violence and perhaps a quick look at the domestic violence section of the National Crime Prevention website illustrates the "blinkered" attitude that prevails in any discussion on domestic violence.

http://www.ncavac.gov.au/ncp/division_2/html/d2-t6-4a.htm

The reading literature on this site is confined to reports about women as victims and men as perpetrators. We are presented with titles like, The Legal System's Treatment of NESB Women Victims of Violence; Violence Against Women -, Women's Safety Survey; Violence Against Women in the Home; Evaluating Criminal Justice Programs for Violent Men and Who pays the Economic Cost of Violence Against Women.

There is not one study showing that perpetrators of domestic violence are found equally amongst men and women - yet there are more than one hundred international studies to prove this is so.⁹ (Attached) Neither is there any mention of the study carried out by Australian researchers - Bruce Headey, Dorothy Scott and David de Vaus. They produced the 1999 study, DOMESTIC VIOLENCE IN AUSTRALIA: ARE WOMEN AND MEN EQUALLY VIOLENT?¹⁰ Dr. Sotirios Sarantakos who conducted studies into family domestic violence¹¹ and whether women's claims to be acting in self-defence hold true,¹² is not mentioned either. (Studies are available on request) This leads one to suspect that studies producing results confirming women's violence do not figure in the ideologically stifled confines of this authority's mantra.

Perhaps I am judging too harshly. There is one exception that has slipped through. That is the latest research into teenage abuse, Young People and Domestic Violence¹³. The study found that more boys than girls had experienced domestic violence at the hands of their partners - 37 per cent versus 36 per cent. The teenagers even reported their parents abused each other equally.

John Coochey, Canberra quoted from the study in an extract from his letter to the Canberra Times:

The experience of young people who had witnessed domestic violence showed "the most common pattern was two way domestic violence? The most severe disruptions on all indicators occurred in those households where both male to female and female to male violence was reported".¹³

For most people it is a frightening thought, for men in particular, to realise that mothers, who are viewed by society as the "gentle hand that rocks the cradle" could in fact be the perpetrator of dreadful harm to their children and their husbands/partners. Even the Women's Safety Survey¹⁵ identified 27 per cent of the abuse suffered by women was committed by other women, but this figure received little or no prominence.

Melanie Phillips, a noted UK social commentator said, "Men are terrified of being thought prejudiced against women, not least because of an old-fashioned sense of chivalry. They look at the absence of women among captains of industry or Members of Parliament; they look at the football hooligan and the burglar from hell and they think it must be true that women are their victims. But life's a lot more complicated; and the result of such brow-beating into false stereotypes is that everyone ultimately becomes a loser".¹⁶

Are researchers failing to maintain their independence?

Research in this country seems to have been heavily influenced by academics, who are at the forefront of an anti-male, anti-father network that seeks to deconstruct and reconstruct men as if being a man is a pathology. As a result of this research we are seeing the emergence of programmes that have little empathy with maleness and masculinity and even less for the traditional family.

Much of the research produced could only be classified as attempts to justify predetermined conclusions, in line with pro-feminist thinking, of course.

For example a graduate from Griffith University recently presented a paper to a Family Law Conference¹⁷ asking the following question of Queensland magistrates, "Do you feel comfortable ousting a VIOLENT person from their home?"

Apart from the poor response rate¹⁸, several magistrates replied that it was immaterial whether they felt comfortable or not and the vast majority, as one would expect, answered YES

It's a little like asking, "Should this convicted murderer go to jail?" Any sane and sensible person would, I think, naturally answer 'YES'.

By using the word 'violent', the author's question presumed the person was guilty and in many instances that has not yet been decided by the court, particularly if an interim order has been granted without the accused being present. Field agreed that if she had removed the word 'violent' the response would have been different.

Much of her paper included phrases such as "women and children escaping violence..... and "most often women and children are forced to relocate to a refuge". She referred to women and children as "the survivors of violence". In describing ouster orders she said, "it prohibits HIM from entering the residence", "overrides HIS legal title and interest in the property". The assumption throughout her paper followed the familiar feminist concept that "only the female is ever the victim of violence perpetrated by a male".

When it was pointed out that nearly 20 percent of DV applications are from men, Field responded that they had taken gender considerations into account, but then added, that most applications from men are "cross-applications" as if by implication this meant they could not possibly be victims of domestic violence. Yet there are studies showing the mutuality of abuse between couples.¹⁹ The scope of her endeavour has, in our opinion, been seriously limited by the agenda that only women are to be regarded as victims of domestic violence.

A presentation from Professor Sandra Berns, also from Griffith University started with an admission that she and her colleague, Dr John Touchie had failed to prove their assumption that men's and fathers' rights websites are promoting the use of claims of parental alienation syndrome as a "tactic or strategy" in Family Court custody disputes.²⁰

Despite not being able to prove their theory the report was written, in my opinion, to diminish the importance of allegations of parental alienation syndrome. The authors, using words such as "tactic or strategy" infer a deliberate use of cunning to gain some end. No acknowledgment is given that perhaps the allegations may be true. Rather the paper is more concerned in 'proving the ineffectiveness of claims of PAS, the time involved and monetary cost of investigating such allegations. They seem to place considerable importance on whether the person who alleges PAS is self-represented or not. Quite why is not clear, but it would seem to me to be a logical progression in a long drawn out case when a parent is trying to see their children and the other parent is denying or disrupting contact that monies for legal representation would run out.

The Brisbane Courier Mail reporter Margaret Wenham said "Their report said alienation syndrome, although not widely accepted by the psychiatric community, was being increasingly promoted on fathers' rights websites in America, Australia, Canada and the UK as a "magic bullet to "get" a former spouse and obtain contact or residence".²¹

As the study found that only 2 of each gender out of 37 cases had received information from a support group, one would think that the authors would be keen to set the record straight. However, this does not appear to have happened.

Their finding that as many women as men make these claims would seem to be at odds with most other overseas research²² that suggests PAS is more often present in children living in female headed households than vice versa.

Well-known critic of statistical misinformation, John Coochey unearthed some interesting rules governing feminist research. He illustrated the implications in the following passage from his paper ***Myths and Realities or All the Facts that Fit we Print***²³ (Paper attached).

In March 1996 the ACT Department of Health released a report entitled Review of ACT Sexual Assault Services (9) which stated without any evidence that one in four women had been the victim of sexual assault. It was largely based on an earlier report Many Paths for Healing prepared by the Canberra Women's Health Centre, funded by the Commonwealth and Territory Governments. This had found 20 per cent of respondents to a survey had been the victims of organized ritual abuse, formerly known as satanic ritual abuse-black masses torture chambers etc. This obviously means the ACT must have more covens complete with torture chambers than Catholic Grammar schools. And absolutely ridiculous study, but which was accepted publicly by the ACT Government! In fact a British Government study found only three such cases over a four year period and in the US only one out of 12,264 cases was substantiated. The origin of this insanity can perhaps be found in the WHS report, page 7.

Feminist research methodology

- The distinction between subjective and objective research is rejected. All research occurs in a social context and reflects the researchers way of seeing the world.***
- The production of emancipatory knowledge and empowerment of those who are being researched is a central focus.***
- The research process should contribute positively to consciousness raising and transformative social action"***

With such methodology , it is not surprising that stupidity occurs. But how on earth does it get included in Government policy?

Research becomes valueless when it sets out to support a predetermined conclusion that is formed as a result of obvious bias. Figures can, after all, be manipulated to provide a multitude of answers - it depends on the questions asked.

More anti-father propaganda in the name of research?

The rise of fathers' rights groups in Australia has caused some concern among feminist academics, prompting the production of two reports. Miranda Kaye and Julia Tolmie with the 'help' of Professor Regina Greycar, at the University of Sydney, based their work on interviews with various personnel from men's groups and by searching through submissions made to government inquiries.

Kaye & Tolmie's attempts to define the groups' attitudes to issues concerning family law, contact with children, child support, and domestic violence, in my opinion fall far short of academic excellence. The standards, normally expected from university faculty members, appear to have been forgotten in their attempts to grasp at straws to belittle men's groups.

I cannot speak for other groups, but in our own case, I well remember the conversation with the researcher, who firstly claimed to be compiling a list of organisations for government reference. Not exactly an honest appraisal of the reason for his call.

For an example of the errors or deliberate misinformation contained in the first report, "Fathers' Rights Groups in Australia and Their Engagement with Issues in Family Law"²⁴ I refer to the following:

Under the heading Custody/residence the authors wrote:

"Men's Rights Agency CLAIMS (my emphasis) that, of the men who actually go to court, only 18% get sole custody" and then they comment "these statistical claims are generally unreferenced by the groups and so it is unclear what their data sources are".

I said, "18 percent of fathers gain custody by 'consent'" not by going 'to court'. I provided the researcher with the details of the study by Sophy Bordow 1994²⁵ and spent quite some time explaining to him, the difference between shared/sole/split custody. Quite how the authors can make a claim that that our sources are "unreferenced" and then go onto use the very same study themselves in the next paragraph is inexplicable.

Secondly, under the Legal Aid section, notation 313, the authors wrote:

"The Men's Rights Agency CLAIMS [my emphasis] that the legal aid dollar is split 2:1 in favour of women".²⁶

Once again using the word "CLAIMS" Kaye and Tolmie attempt to cast doubt on the information tendered, but only 6 lines later they confirm that MRA's comments are correct, that is if mathematical calculation has not nowadays succumbed to feminisation. According to Kaye and Tolmie's version "men receive approximately 32 - 39 percent of all Legal Aid funding in family law matters, Legal Aid in Australia 1993-1994, Statistical Yearbook. Now doesn't that equate pretty closely to a 2 to 1 ratio of distribution?

In their final report published in the Melbourne Law Journal "Discoursing Dads: The Rhetorical Devices of Fathers' Rights Groups"²⁷ they continue their denigration of men's groups, in particular our own organisation, by repeating newspaper allegations that were known to be false.

When legal academics, who are engaged in funded research resort to using newspaper articles as the basis for their commentary, and ignore evidence to negate the information, one might question if they are engaged in quasi-journalism or credible research. Journalists, at least, have a professional standard that requires the subject to be given the right of response prior to publication. Kaye & Tolmie gave us no such opportunity.

Censorship applies to 'men's issues':

Loyalty to an extreme pro-feminist doctrine is creating a barrier between men and women that is present not only in the domestic violence industry, but sadly, in our universities too. Just recently, on July 18 2000, the Guild Council at the University of NSW, banned their magazine, Tharunka from producing an upcoming "men's issue" that would have dealt with the 'men in present society, including health, suicides rates, imprisonment and men's attitudes to feminism'.²⁸

The Guild Council said it "condemns any proposal to produce a men's edition or 'white heterosexual male' edition of Tharunka. Accordingly Guild Council directs the Media Directors/Tharunka Editors not to produce any such editions or publish material which contravenes general Guild policy (eg K9.4), or Anti Discrimination Legislation, or, which undermines the purpose of women's, lesbian/gay, indigenous or ethnic students' departments."

At the same time, the Council passed a motion approving the publication of a Women's Edition of Tharunka!¹⁵

Educational staff often find themselves silenced and those who fail to abide by the restrictions will lose their tenure or their working life will be made so unpleasant they are forced to resign. The latest in line is Jeffery Asher. Albeit a Canadian, his situation has probably been mirrored here in Australia many times, especially in our primary schools where men have been discouraged from becoming teachers by the threat of false child abuse or sexual harassment allegations.

Asher, a professor at Montreal's Dawson College, found his "men's studies" and "feminist propaganda" course cancelled after a four person committee accused him of belittling and marginalising women. Asher, who was judged outstanding by 85% of his predominantly female class equipped his students with the skills to analyse the information put before them, instead of blithely accepting everything that is said as fact. For telling the truth about the falsity of domestic violence statistics and the equity pay dispute amongst many other issues, he was reassigned to teach courses in critical thinking, science and technology and business ethics.

One of his accusers, committee member, Professor Greta Nemiroff, had been caught on the school's security videotape on Sept. 3, 1997, pasting pamphlets on Mr. Asher's office bulletin board, covering articles on preferential hiring practices and sexual politics. She was not even censured.²⁹

Accusing the "politically incorrect"

Oppressive regimes have always used tactics of expulsion and alienation to quash unwanted criticism. Unfortunately, here in Australia, most attempts to put forward another point of view have been quickly silenced by accusations of sexism, racism and any other 'ism' or 'phobia' that comes to mind as a result of an undue adherence to political correctness.

A Canadian social commentator, Walter Schneider challenged the bias and political correctness displayed in a recently published article, "The Y Front" (Good Weekend magazine 24/8/00) as follows:

"Let me take a single paragraph from the article (indented below) and allow me to make a few observations with respect to manifestations of serious anti-family and anti-male bias in the article itself and also in society.

"The men's rights crusade has been kicking around in Australia since at least 1992, when the group Men's Confraternity led a protest march on Western Australia's Parliament House to decry the evils of feminism."

It is obvious that the author of the article feels that it isn't politically correct for men to complain about being discriminated against. In case that sentence didn't get the idea across to the reader, the next one surely will. Even readers who got the point of the preceding sentence will have it reinforced by this one.

"That march was symptomatic of the movement itself, which has largely been a crusade of angry dads with an extreme right-wing view that feminism and the Family Court are undermining men."

The preceding sentence states in effect that any expression of displeasure that any man or father may offer is politically incorrect, that any father who complains is in fact angry, worse, that to complain is to automatically secede from society and to become a member of the dreaded "EXTREMIST RIGHT WING." It's a wonder that the author of the article didn't put in the additional modifier "religious" that is usually brought up in connection with such a statement. That is normally done in response to any expressions of displeasure concerning the consequences of the planned destruction of the traditional nuclear family.

Few people seem to notice any longer that when derogatory statements about traditional social and moral standards are made and reinforced through mentioning the "extremist right wing," that such views are themselves an attack on the sanctity of established moral traditions, that in fact such views are expressions from the outermost end of the radical extremist left wing.

*How come nobody *ever* mentions THE RADICAL EXTREMIST LEFT WING and the fact that its views have been elevated from disrepute to social acceptability, whereas conservative views -- considered to be a sign of respectability and stability less than a generation ago -- have now fallen into disrepute?*

Anti-male, anti-father and anti-family bias has crept into the debate about families and family law. It is contaminating research studies and government attempts to change the policies dealing with these issues are stifled. This bias resulting from the pro feminist agenda is perhaps responsible, more than any other reason, for the mess we find ourselves in today - record

divorce rates; dysfunctional families; children abused and neglected; children failing at school, particularly boys; and record suicide levels, particularly men.

Proforma questions do not canvas divorce/separation prevention:

I have considered the questions you have asked in the proforma response with concern because they do not canvas the exploration of ideas that might help to restore some relationships. They seem to be based on the "given" that the relationship is over - and what can we now do to smooth the path to separation?

Some might suggest 'no-fault divorce' is precisely the reason our divorce rate has reached such heights. By making divorce easier it has lessened the commitment to marriage.

One might ask the question - has the government now adopted social policies that accept high levels of divorce because they believe this is good for our nation? Have they lost the will to make the changes needed to restore confidence in family life, or is it a phenomenon they can do nothing about? I would suggest the government should seriously consider adopting policies that aim to restore some stability and expectation for future security. When one marries it should not be intended as a short term measure until something better comes along. There is a growing movement of both men and women who have woken up to the anti family, anti-male agenda that is pervading all facets of our life. The time will come when enough of us will say enough.

The primary responsibility of any government must surely be to protect and maintain the family unit, which forms the cornerstone of our society. There is ample research to show the harmful effects of separation/divorce on children.³⁰

Every effort should be made prior to separation to encourage couples to stay together. We see no sign of that in this inquiry.

Counsellors admit "they got it wrong":

Social historian, Barbara Dafoe Whitehead's book, *The Divorce Culture* explores the attitudinal change that brought about what she calls "expressive divorce". During the 1970's the 'therapy' professions recognised the opportunity to expand their services to counsel individuals seeking their own happiness and self-fulfilment. This change resulted in a shift in focus away from considering the good of the whole (family) in preference to supporting the individual no matter what effect their decisions may have on others.

Counsellors and psychologists in the USA have recently acknowledged that for the past thirty years, they have been incorrectly advising couples to separate if they argue. This advice was based on a mistaken premise that arguing couples could not live together and should therefore divorce. But no-one thought to ask couples who stay together, if they argued! Here is an edited report about the findings:

Sent.- Friday, June 30, 2000 6.-12 PN4

Divorce Prevention Said Flawed
by STEVEN K. PAULSON
Associated Press Writer

DENVER (AP) -- Saying they have taken the wrong approach to marriage counseling for three decades, more than 100 scholars, religious and civic leaders pledged to turn the tide on divorce.

The pact to take a new tack in fostering strong marriages was signed on Thursday at a conference addressing the breakdown of the family and growing divorce rates.

"For the past 30 years, marriage counselors have been operating with faulty information, and the divorce rate has soared," said Diane Sollee, director of the Coalition for Marriage, Family and Couples Education. "It's not because we were bad or stupid, we just had the wrong information."

"Counseling policies are now based on the acceptance of family breakdown and focus on dealing with the aftermath instead of prevention, leading to a 50 percent divorce rate nationwide", she said.

Those policies stemmed from studies of failed marriages that cited frequent disagreements as the cause of failure. When researchers went back to study successful marriages, they found those couples also disagreed over some of the same issues such as money, sex and children. Those whose marriage ended in divorce concluded they picked the wrong person because of frequent fights, Sollee said.

"We need to get out the message now, and tell people before they get married that it's OK to fight," she said. "Right now, we're sending couples out onto the football field and not telling them the rules."

Counselors should teach couples communication skills and how to handle their disagreements. Coalition for Marriage, Family and Couples Education:

Commonsense is once again emerging in some parts of the world, at least, so perhaps there will never be a better time than now to suggest a course of action that firstly encourages people to resolve their problems and stay together, before they take the 'path to easier' separation.

By this we do not mean a course of counselling that tells people they must not argue, or that any power disparity in the relationship must be levelled out before agreement can be reached. There are times when one person, because of their knowledge or expertise in a particular subject, may be seen to be the one with the most decision making power, and at times the other partner, with their knowledge, may be more suited to make the final decisions. That should not be seen as a 'put down' of one party, rather a sensible use of the available talents the couple bring to the relationship.

We need courses that provide strategies for people to voice their disagreement without resorting to aggressiveness. People need to be able to learn how to give and take criticism, for it is only in this environment that consensus can be reached and people can feel they have been heard. If consensus cannot be reached, as it may not be in all instances, then many long-standing marriages have survived by resorting to the old maxim "we'll agree to disagree".

We are obviously not suggesting that all couples should stay together no matter what, but there must be some checks and balances to try to slow down the increasing divorce rate. A positive counselling course of this nature should be a requirement before separation and could be encouraged prior to issuing sole parent pensions.

Our own organisation has considerable success in reuniting couples by providing them with all the facts, - realistic financial information that may vary from the unrealistic expectations created

by other groups. The difficulties for the children of divorce, the costs of running two households and the diminished value of joint assets when split between two can become persuasive reasons for both parents to try again to restore the love and affection they obviously felt for each other in the past.

Often couples are more willing to try again when counsellors are prepared to guide them towards that goal by exploring the more positive aspects of their relationship prior to what may have been just a minor 'hiccup'. Instead much of the counselling on offer seems to escalate a minor incident/disagreement into enormous proportions with the only solution on offer - separation/divorce.

A caller on Brisbane ABC radio 3LO 14/9/00, concerned about the advice given by counsellors pointed out to Ian McDonald, Relationships Australia that many of the counsellors seem to be divorcees themselves. She asked the question "Who counsels the counsellors?" No answer was given.

There needs to be a monitoring system to maintain the competency of our counselling services. Measures must be put in place to ensure a counsellor's solutions to his/her own bad experience, that may have been formulated in an atmosphere of bitterness and hatred, are not passed on to their client.

Women's Rights and Men's Suicide:

Most men and women acknowledge the justification for equal rights for all people and considerable effort has been made to support the concept. However, we are seeing a movement that has gone far beyond the concept of equal rights and is now creating a gender war between men and women.

Over-concentration on rights for women has caused its own imbalance. A growing number of women have no concept that along with their rights they have responsibilities and if their rights are going to be exerted it will have an effect on others rights. Few seem to understand that for every right that is created, someone or something else is in some way restricted. In some cases of family breakdown the restriction can be so severe as to remove the motivation for life itself. Witness the suicide rate among fathers of divorce. 2028 adult men aged 20 years and over committed suicide in 1998.³¹ Professor Pierre Baume estimates 70 percent of these are due to relationship breakdown.³² That is 27 per week. A national disgrace! We first attempted to raise this issue at the Men's Forum in Canberra 1998,³³ but it has taken the suicide of a federal politician Greg Wilton before any response was noted. Then it became the subject of 'depressive illness', not a depressed reaction to an entirely curable set of circumstances that could be alleviated, if a father's role in his children's lives was acknowledged and facilitated as soon as separation takes place.

When you take away children from their fathers or severely restrict their contact, you take away a father's reason for living!

We are sure the sequel for mothers would be just the same if they lost their children at the same rate as men lose their children, as a result of Family Court decisions.

No-fault' - an unrealistic expectation:

To expect that a no-fault divorce concept would sit comfortably in an adversarial fault based system of trial would appear to be naïve. The incongruity of the situation must have been obvious, for courts by their very nature must decide who is at fault. Someone is found guilty or not guilty. Someone is right and someone is wrong. The judges' years of legal training in an adversarial system would be hard to overcome and unfortunately no matter how sound the idea might have appeared, the nature of human beings is not, we believe, magnanimous enough embrace the concept of 'no-fault'. People always seem to need someone to blame, whether as a result of their own failure or in order to validate the wrong done to them. Consequently the angst previously associated with 'fault-decided divorce' has merely been transferred to residency/contact and property settlement decisions.

Men could be forgiven for thinking they are being punished for some reason, when they find they can only see their children for minimal times, as specified by the court and the majority of the lifetime accumulation of assets is given to their ex partner. The final insult is to garnishee the paying parent's income, usually the father's, as if they are not to be trusted to support their children.

The child support legislation came into being on the basis of claims that less than 30% of liable parents were paying to support their children. It is equally possible though, that a good proportion of the remaining 70% did not acknowledge receiving child support, for to have done so would result in a reduction of pension payments and possible prosecution by DSS for not declaring child support payments.

No-fault has mostly benefited women and our statistics show that if fault were still taken into account women would qualify as being in the majority. This may be a quirk in the statistics in that perhaps Men's Rights Agency tends to attract men who have reason to feel genuinely aggrieved by their wife's behaviour and her unilateral decision to separate or the statistics may be indicative of the general population. Further studies would confirm or disprove this. Perhaps the finding might take the gloss off the aura surrounding women. Kate Fillion investigates this topic in her book "Lip Service".

On the cover of her book it says:

Lip Service: The Truth About Women's Darker Side in Love, Sex and Friendship,
Canadian journalist Kate Fillion takes on one of the great myths of gender relationships: that women are always the sweet, innocent victims of male duplicity. It's a myth which, she argues, prevents women from taking responsibility for their own lives, and in many cases from breaking out of patterns of self-destructive behavior for which men wrongly take the blame.

We can live with "no-fault" family law legislation providing automatic blame is not assigned to the father, as appears to be the case now.

We cannot close this commentary without bringing to your attention concerns we have about sole custody, mediation, the principle of the "best interests of the child", Section 121 of the Family Law Act, and the unfair practice of restricting DNA testing to a small group of court approved pathology companies, despite our misgivings that the formulation of this group is just another exercise in tokenism and no real changes will result.

Shared Parenting:

MRA is particularly concerned for the well being of our children and we spend much of our time encouraging fathers to stay in their children's lives. To this end we would strongly urge the adoption of shared parenting, for by doing so, children will be able to maintain a meaningful relationship with both parents.

There are many examples of week and week about, split week, or other arrangements that result in children being able to spend close to 50 percent of the time with each parent. It is an ideal way in the unfortunate world of divorce/separated parents to ensure children gain from both parents being involved in their upbringing. Shared parenting also limits the opportunities for friction between parents - they only see each other on change over once week, instead of twice a weekend and sometimes twice during the week.

Perhaps it would be a good idea for the Group to talk to some of these parents, who successfully manage their lives in this way.

Six years ago most counsellors seemed to oppose the idea of shared parenting because they felt it placed too great a burden on the custodial parent. And of course, some in government have the attitude of "how will the mother be able to get the sole parents pension if they do not have the children for the majority of the time. That is a particularly poor attitude in our opinion. It places the well being of the mother above that of the children and the father. We are however noticing a better acceptance of shared parenting among some counselling services and the judiciary.

If the expectation of financial gain for the parent who keeps the children is removed, and an expectation that both parents will continue to fully participate in their children's future becomes the standard norm, then much of the acrimony that is present today will vanish. The relationship between the two parents and the children can be fully developed and the children can look forward to a hopeful future, albeit in separated circumstances.

Sanford Braver, ends his book, *Divorced Dads: Shattering the Myths*³⁴ with the words:

"...a future in which fathering is as valid as mothering; a future in which fathers are empowered by the courts, mothers and society to remain positive forces in their children's lives; a future in which mothers and fathers, though no longer connected through marriage, remain equally committed to working together for the good of their children - the only constituency that ultimately matters."

To this end we offer for your consideration a Swedish study by Lars Tornstom³⁵ discussing the benefits of shared parenting. The study has just been translated from Swedish into English by MRA's psychologist Dr. Mark Wood.

Mediation:

Mediation is logically the ideal method to resolve problems between people, however it has become apparent that mediation only works if both parties are prepared to be fair with each other and the mediator remains just that - and does not impose their own views on the couple.

Unfortunately a growing number of reports to this Agency suggest this is not the case. Many fathers, in particular, feel pressured to sign agreements that they consider are not in the best interests of their children and themselves as a parent.

A mediator and a Legal Aid representative taking sides with a mother can present a formidable force against a father. Few are able to withstand the affect, especially when threats are made that if they don't sign the agreement, they will be not able to see their children. Many of these parents, usually fathers, have already waited three months to see their children. Often it is implied that the father is "failing in his duty to his children" if he does not agree to the conditions demanded of him. Or they are told "There is only 20 minutes of the [mediation] session left - make up your mind" or "this is the best you can expect" or "we will not on fund your case if you refuse to agree to this".

As long as an agreement is signed for even the most minimal of contact, say 2 hours per week, Legal Aid consider they have fulfilled their commitment to the parents and the children and will not on-fund a father who feels this amount of contact is not enough to maintain a real parent/child relationship with his children.

We would suggest the pressure can be alleviated by allowing a 'cooling-off' period of say 30 days. Such provisions are available for even the most basic door to door selling agreements. Surely our families when making some of the most important decisions they will ever be called on to make in their lives, deserve this option.

In the meantime contact with the children should be arranged without delay, unless there are other reasons to deny contact. There is no justification to allow a situation of 'blackmail' to sign agreements on the basis of contact denial.

Our advice to all our people will continue to be: tell the mediators that you need time to consider the proposals and will give them an answer when you have reached a decision. And "do not sign any agreement unless you are completely satisfied that it is fair for you and your children".

Efforts should be made to ensure mediators are trained to not impose their own views on the parties and a cooling off time period after the session should be available.

The best interest principle not always the best idea:

Recently, the Director General of the Swedish Justice Department, Goran Lambertz discussed with a small audience, the changing face of the concept "in the best interests of the child".³⁶ He raised the prospect that strict adherence to the principle ignored other stakeholders such as the parents, who also have a right to enjoy 'family life'.

He counselled caution to ensure undesirable behaviours are not ignored in deference to the best interest's principle. For example, he believes it sometimes wrongfully leads to a result where a parent who has kidnapped or retained a child is given sole custody on the basis that a child requires continuity. This is in sharp contrast to the other parent's interest in family life.

He reminded the forum that the European Court of Human Rights had just decided with a 13 to 4 majority that denying a father access to his child is against human rights (basic family rights). The court awarded him costs and compensation to the total of about US\$40,000.³⁷

Section 121 removal:

Federal MP Roger Price recently tried to gain his party's approval to remove the Section 121 restrictions that prevent identification of the parties in Family Law cases. He failed in his initiative, but his attempt prompted a number of polls among the general public.

An overwhelming 93 per cent in a Sydney Daily Telegraph poll voted to abolish section 121. Perhaps this overwhelming figure is an indictment of the suspicion surrounding the operations of the Family Court. A court of justice needs to be open and accountable. The Family Court of Australia is neither.

A good example of the Family Court secretiveness occurred at the beginning of April 1999. The Chief Justice Alastair Nicholson made good use of the media to announce a reform plan for the Family Court. An article in *The Australian* newspaper said the plan would reflect the "firsthand feedback" from meetings between court personnel, 100 litigants, family lawyers and welfare groups.³⁸

According to Justice Nicholson the criticism that emerged from the focus groups was different from the "second-hand" feedback of men's groups and the media. The article confirmed that costs, delay and anti-male bias had not figured as primary concerns and that men's groups had not been invited into the consultation process. It also said litigants had been security-vetted and that process may well have excluded any who felt considerable discontent with the Family Court processes.

In an effort to find out how many men and how many women clients had participated I asked Ms Robinson, Canberra Family Court for the gender breakdown. She agreed to forward the information as she realised it would not involve any breach of privacy. However, my request was personally refused by the Chief Justice less than an hour afterwards. Did he not want too close a scrutiny of research, paid for by the public purse, that could perhaps be regarded as a testimonial for the Family Court, rather than an independent critique?

The Australian people have a right to feel confident in their court system. The Family Court attracts the most criticism, yet when people complain they are charged with 'scandalising the court'.³⁹ Perhaps one of the prime reasons for the scrutiny of our justice system as a whole, is the discontent caused by the Family Court for it touches so many people - not just parents and children, but grandparents, brothers, sisters, aunts, uncles and friends.

DNA Testing

For some time now we have seen the rumblings of objection to hair DNA testing to determine paternity. Presumably because it is offering men a method to check whether they are the father or not of a child without having to seek the mother's permission.

The Age quoted the New South Wales privacy commissioner, Mr Chris Puplick, who said the practice was unethical and an illustration of the need for formal guidelines about genetic testing and access to genetic material.⁴⁰

But this reasoning seems to be a little back to front. I can think of nothing more unethical than being tricked into believing a child is yours when he/she is not. The only person who knows that

the alleged father may not be the father is the mother and there should be no excuse for her deceit.

Using hair samples for DNA testing is a discrete method of reassuring parents of the identity of their children, without alerting the child to the problem. Often fathers still acknowledge children as their own even though the DNA test shows they are not the biological father. But without doubt they have the right to know and the right to make the decision to continue as a child's parent if they wish.

We need to look at Part 11 A Parentage Testing Procedures and Reports of the Family Law Regulations to ensure the legislation keeps up with modern technology and allows parents to access these simpler, cheaper, but equally competent methods of DNA testing.

Some months ago when we started searching for other DNA service I was surprised by the reaction from some of the established NATA testers. Quite vociferous advice was given to deter my interest in hair DNA testing. So much so that I became concerned these people were more interested in retaining their share of the market than providing an easier to access service.

If these restrictions were operational in the general business community, a challenge could be issued under the Trade Practices legislation. Unfortunately the Family Law Regulations escape this scrutiny by virtue of Section 51 of the Trade Practices Act.

I can understand the need to ensure the samples submitted for testing belong to the people identified as the subject father and the child[ren]. Apart from that priority which can be complied with easily, I can see no reason to not support the use of hair DNA.

I would urge the Forum to consider recommendations to expand the regulations to include all forms of DNA testing.

In the Best interests of the Family

Sadly, our society has not challenged the ever increasing divorce figures or the rapidly rising numbers of sole parents with children with any success, mainly because of the entrenched anti family beliefs held by many of those who are in a position to influence the policy makers of this country. Just as the early feminist movement despised women who chose to stay home with their young children, hardline feminism has evolved into a movement that seems to hold the same dislike for fathers and families.

The Family Court has, despite attempts to change the ideology remained true to a 'maternal preference'.

Until we can challenge the research conducted under the pro-feminist agenda by putting forward studies soundly based on approved research methods, designed to provide independent results, there will be no change.

Research undertaken into family law issues, including residency/contact and property settlement issues, the affects of divorce/separation on children and their parents, child support and spousal maintenance issues, domestic violence needs to be commissioned from independent services and the criteria for the research needs to be defined by a committee comprising all interested parties.

It is a disservice to Australian families to allow the allocation of large sums of research funding to a small number of academics, whose past research seems to be unable to find anything favourable about men/fathers and portrays women as victims of male dominance, if this is the only research allowed.

If the government does not wish to ensure it funds only unbiased studies then it must out of fairness allocate similar funds for studies commissioned by people who display a little more sympathy for men and fathers. We would, in the interest of fairness, prefer the original option. It should not be necessary to extend the gender war by engaging in "his and her" studies. "Her" studies are already on the table.

Stewart Rein, author of "Betrayal of the Child"⁴¹ is extremely critical of the extremist cultural or radical feminists. He says, "Their private political agendas and anti-male attitudes have helped to create circumstances threatening the very core and concord of male-female relationships. Ultimately, they are a real and present danger to the human rights of children.

The above comments about research should not be taken to mean I endorse more research, rather less, but of an independent nature.

However a call for independent research should not contribute to a further delay in making the decisions that can improve the outcomes for separated parents and their children. Far too often these days it appears our governments (State and Federal) are unwilling to make the decisions needed without the backing of studies, inquiries, commissions as if they have lost their own confidence in their decision making abilities. Or perhaps they are just not willing to take responsibility for the decisions they make?

We need to understand the damage that is being caused to Australian children as a result of family separation and divorce under the present regime. We need to act now to give both parents the reasonable expectation their relationship, whether married or defacto, will survive without policies providing encouragement to separate. If such a separation does occur then both parents should be able to fully participate in their children's lives and not find themselves consigned to "visitor" status.

Children do need both parents!

Susan M Price

Men's Rights Agency

A national non-profit organisation providing services for men and their families

Tel: 07 3805 5611 Fax: 07 3200 8769

Email: support@mensrights.com.au

Endnotes:

1. Pauline Smit, Letters to Editor, Sydney Morning Herald, Brisbane Courier Mail, Melbourne Age. [21/8/00] and Melbourne Sun Herald, 31/8/00
2. Beyond these walls, Report of the Queensland Domestic Violence Taskforce 1988. Not only was this report dismissive of the 41 male respondents out of a total of 661 who answered the questionnaire, the authors provided incomplete information when

presenting information from another research project. On page 471 a table taken from the Conflict Tactics Scale method of research (Straus and Gelles 1986) is illustrated. It shows the category "Husband to Wife Overall and Severe Violence categories, but neglects to show the 'other half' of the table - that shows Wife to Husband violence. If the CTS findings had been shown in their entirety it would have challenged the authors statements made on page 16 that they would refer to the perpetrator by the "masculine pronoun and the victim - the feminine".

3. Chief Stipendiary Magistrate Stan Deer, Brisbane Courier Mail 5/7/95
4. Christine Hakim, "Five Feminist Myths about women's employment" British Journal of Sociology 46(3): 429-455
5. See, for example, Judith S. Wallerstein and Sandra Blakeslee, (in press) 2000. *The Unexpected Legacy of Divorce* (New York: Hyperion); Sara McLanahan and Gary Sandefur, 1994. *Growing Up With A Single Parent: What Hurts, What Helps* (Cambridge, MA: Harvard University Press); Paul R. Amato and Alan Booth, 1997. *A Generation At Risk: Growing Up in an Era of Family Upheaval* (Cambridge, MA: Harvard University Press); Linda J. Waite and Maggie Gallagher, (in press) 2000. *The Case for Marriage: Why Married People Are Happier, Healthier and Better-Off Financially* (New York: Doubleday).
6. Is a mismatch between women's choices and government policy hurting children?
Vincent Patrick and Antonia Feitz National Social Policy Conference - University of New South Wales 21/7/99
Extract: "In her keynote address at the National Social Policy Conference in 1997, Belinda Probert spoke of the polarisation of women into groups with differing expectations and prospects. In Britain, Dex *et al.* (1996) have reported the polarisation of mothers into "highly educated, high wage mothers and lower educated low-wage mothers", again with little in common. Hakim (1996) also speaks of a "heterogeneous and polarising population of adult women". In Australia, Birrell & Rapson (1998) have reported that there are at least two marriage 'markets', and that the labour expectations of the women in each market are quite different."
7. AVOs: Apprehended violence industry or disease? Trevor Nyman
Law Society Journal (NSW, Australia), December 1999, page 52. Cite as (1999) 37 (11) LSJ 52
8. Counselling alternative, Letters, Trevor Nyman *Law Society Journal (NSW, Australia)*, February 1995, page 11. Cite as (1995) 33 (1) LSJ 11
9. References Examining Assaults by Women on Their Spouses or Male partners
An Annotated Bibliography, 1997, 1998 by Martin S. Fiebert, Department of Psychology, California State University, Long Beach.
10. Domestic Violence in Australia: Are women and men equally violent? Bruce Heady, Dorothy Scott & David deVaus, Melbourne and La Trobe Universities, August 1999
11. Husband Abuse: Fact of Fiction? S. Sarantakos, Charles Sturt University
12. Husband Abuse as Self Defence, S. Sarantakos, Charles Sturt University

13. Young people and domestic violence, D. Indermaur, University of WA
14. Extract from letter to the Canberra Times 3/00 John Coochey
15. Women's Safety Survey ABS 4128.0 1996
16. "The Rape of Justice", Melanie Phillips, *The Spectator* June 10, 2000.
17. Issues for Magistrates in the making of ouster orders under the Domestic Violence (Family Protection) Act 1989 Qld, Field, Currie, Carpenter, 10th World Conference International Society of Family Law. July 2000
18. 38 Queensland magistrates responded to the survey out of a total of 96 - from notes taken at the 10th World Conference International Society of Family Law. July 2000
19. See notes 9 - 13
20. The impact of the fathers' rights movement on strategies and tactics in complex parenting litigation in Queensland, S. Berns, & J. Touchie 10th World Conference International Society of Family Law. July 2000
21. Custody battles denigrate parents, Margaret Wenham, Brisbane Courier Mail, 15/7/00
22. A THERAPIST'S VIEW OF PARENTAL ALIENATION SYNDROME, Mary Lund *FAMILY AND CONCILIATION COURTS REVIEW*, Vol. 33 No. 3, July 1995 308-316
PAS usually involves a hated father and a loved mother. In the classic scenario, a father has left a depressed, low functioning mother who overidentifies with the mother role. For the child to be susceptible to alienation, the child usually feels abandoned by the father, who may have departed precipitously, or is made to feel abandoned because of the mother's statements, such as "he left us." The child clings to the low functioning mother and may be caught in a "folly a deux" against the father as a way of bolstering her so she can continue to care for the child. Rarely, the loved parent is the father and the hated one the mother.

THE SPECTRUM OF PARENTAL ALIENATION SYNDROME D. Conway Rand, PhD
American Journal of Forensic Psychology, Volume 15, Number 3, 1997.

PARENTS WHO INDUCE ALIENATION

Gender

Gardner's observation that mothers seem to engage in PAS behavior with significantly greater frequency than fathers is born out by divorce research, as well as by the clinical PAS literature. The California Children of Divorce Study found that in a nonclinical sample, mothers were twice as likely as fathers to form PAS type alignments with their children. When false allegations of abuse arise, as in more severe manifestations of PAS, mothers also seem to comprise the majority. Mothers constituted 67 percent of the accusers in the nationwide study which revealed that allegations of abuse in divorce/custody disputes were found to be invalid about 50 percent of the time. Fathers were the accusers in 22 percent of cases while third parties such as relatives and professionals were the adult initiators 11 percent of the time. Where a third party was the initiator of the allegation, a parent might also believe there was abuse. The numbers reverse when it comes to physically abducting the child, with fathers the abductors from 60 percent to 70 percent of the time. There may be gender differences in how men and women go about gaining control of their children and taking revenge on an ex-spouse,

with men more inclined to physical kidnapping and women more inclined to social/psychological abduction, which is how Clawar and Rivlin characterized severe PAS.

23. Myths and Realities or All the Facts that Fit we Print, John Coochey, Australian Crime Prevention Council, Melbourne 17 - 20 October 1999.
24. Fathers' Rights Groups in Australia and Their Engagement with Issues in Family Law, Kaye & Tolmie, Australian Journal of Family Law (1998) 12
25. S. Bordow, "Defended Custody Cases in the Family Court of Australia: Factors Influencing the Outcome" (1994)8 AJFL 252.
26. Letter of advice to MRA from John Hodgins, Qld Legal Aid Commission
27. "Discoursing Dads: The Rhetorical Devices of Fathers' Rights Groups" Kaye & Tolmie, Melbourne Law Journal, Vol 22 No 1, 1998
28. Email communication to MRA 3/8/00
29. "Feminism claims another victim" Toronto Sun, August 19, 2000
30. See Note 5
31. Suicide deaths by Sex, by Age at Death, ABS 1998
32. Professor Pierre Baume, head of the Australian Institute for Suicide Research and Prevention at Griffith University in Queensland, found in a study of 4,000 suicides that 70% were caused by relationship break-ups. Men were found to commit suicide more readily than women by a factor of nine to one. Donovan Research, Men's Counselling, Attorney-General's Department 1998
33. "Scaling the Brick Wall" - S. Price, Men's Relationship Forum 1998
34. *Divorced Dads: Shattering the Myths*, Braver and O'Connell, Sanford Braver Ph.D. - a professor of psychology at Arizona State University, recently completed an eight-year study on divorced fathers and is widely regarded as one of the nation's leading authorities on fatherhood and divorce.
Diane O'Connell, an award winning journalist whose work has appeared in many national publications.
35. Dwelling Choices for the Children of Separated Parents, (Separationsbarns boende) Lars Tornstam, Translation by Dr. Mark Wood, Men's Rights Agency.
36. The best interests of the child - a problematic and a changing concept, Göran Lambertz, Director General - Ministry of Justice, Sweden, 10th World Conference International Society of Family Law. July 2000
37. Elsholz v Germany, European Court of Human Rights, 13/7/00 Strasbourg
38. Judges soften as Family Court gets up close and personal, *The Australian*, Pg. 3 8/4/99

39. Street protester beats judges at own game, *The Australian*, 8/3/00
40. Paternity lab tests branded unethical *The Age* 27/3/00
41. Betrayal of Children, Forthcoming book by Stewart Rein - former Executive Director of The Children's & Human Rights Council UK, 1994-1996, Europe 98, and former Chairman of the Parliamentary Affairs Liaison Committee Families Need Fathers UK, 1993-94, and an expert on international child abduction.