

House of Representatives Standing Committee on Family and Community Affairs	
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Secretary	

The Hon Kay Hull
Member for Riverina
28 Baylis St
Wagga Wagga 2650

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Dear Kay

My congratulations to you on your appointment as Chair of the Committee on Family and Community Affairs, which is to conduct a Parliamentary Inquiry into Joint Residence Arrangements in the Event of Family Separation. It is about this issue I wish to make a few comments.

I realise the issue of child custody is one which raises strong emotions in individuals and families. I also have had much experience in seeing this second hand as [REDACTED] my partner is a Family Law Specialist, and I often have to speak to clients when they ring him at home. Most often this is do with custody issues.

I would like to make the following points:

- Much of the political lobbying being done by disaffected fathers groups is about the rights of them rather than the rights of the child. It is often about men's rights in opposition to women's rights and in this case I think what need to be paramount is the child's needs.
- A child needs security and a stable environment to ensure their development into well-rounded and competent people. In order for a situation, where a child changes about between one home and another on a regular basis, to provide such an environment, there needs to be a spirit of cooperation between the parents. It also requires the parents to be able to communicate effectively and to have good negotiation skills. Often these skills are not evident in many separated parents, which has been one of the main factors in the breakdown of the relation. To assume a status quo of joint parenting, meaning the child changes from one household to another on a weekly basis, I think will place too much strain on otherwise fragile relations.
- I therefore support the present situation where there is no presumption that children will spend equal time with each parent. There is no principle of family law that advantages either parent in family law proceedings. The question of custody for children has frequently been presented in the public debates as a contest based on gender. The claims often made by some admittedly angry men have been based on the misapprehension that The Family Court has in built biases towards mothers in allocating residence and sometimes in the settlement of property. However, the evidence is not there that there is any systematic bias, or that the

formulation of the laws at present involves any explicit or implicit bias towards either parent. The danger is that the angry perceptions of some grieving men may affect lawmakers in ways, which prove the saying that hard cases make bad laws.

- Most separating parents come to agreed arrangements for the custody of their children. It is usually based on what would be best for the children in the light of each parent's work responsibilities, fineness and what would be least unsettling to the children. To change the presumption of the law to accommodate a minority of cases would not serve the community well. It would probably lead to more clashes and disputes before the courts.

I hope that my views will be taken into account during the Inquiry.

Yours sincerely



Jan Roberts

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