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8th September 2003

House of Representatives Standing Committee
on Family and Community Affairs

Submission No: **1355**

Date Received: **11-9-03**

Secretary:

The Committee Secretary,
Standing Committee on Family and Community Affairs,
Department of the House of Representatives,
Parliament House,
CANBERRA,
A.C.T. 2600



Attention: Ms Beverly Forbes

**RE: A SUBMISSION FOR THE SUPPORT FOR THE
SHARED PARENTING BILL**

Dear Madam,

In American states where they have a shared parenting law it has been said that the divorce rate is about half that or less than in those states where the law does not exist. Such a law in Australia would discourage wives from leaving the marriage for frivolous reasons and would stop the situation in Australia where wives are encouraged to leave the marriage or kick the husband out because they know that they will get the children, the house, now most of the superannuation and much of the husbands salary!

When many of the children later come back to the father he is unable to give them the financial support he would have been able to give them had Australia had a shared parenting bill which was fair to both parties.

Such an unfair situation to the husband sadly causes some of the most placid husbands to turn to violence, either suicide (stated as being about 1000 men and fathers a year) or murder as demonstrated recently in Queensland.

This situation is recognised by experts on violence who have stated that :-
violence is an act of seeking justice (or fairness).

The introduction of the Shared Parenting Bill will :-

- a. **Keep more Australian families together** which is far far better for the children and their relationships with not only the parents but with the grandparents and and other members of the extended family.
- b. **Drastically reduce the rate of male suicide.**
- c. **Reduce the rate of, and reasons for, domestic violence**, including murders, resulting from the wives manipulating the unfair Family Court.

(Wives only need to mention the bias of the Family Court to cause depression in their husbands.)

- d. **Drastically reduce child abuse.** (See attached copy of "The Facts on Fatherlessness" - "Fatherlessness increases child abuse")
Step fathers are one of the prime instigators of child abuse. The more contact a child has with her / his natural father the less chance of child abuse and the shared parenting bill will ensure more contact between the father and the children.

When child abuse is such a concern in Australia today it would be a mockery of our concerns about it to not bring in the Shared Parenting Bill which will significantly reduce child abuse because of the increased contact with the father.

- e. **Reduce poverty.** "Figures from Monash University's Centre for Population and Urban Research show that family break-up, rather than unemployment, is the main cause of the rise in poverty levels in Australia," (The Facts on Fatherlessness). With fewer women encouraged to leave the marriage because of the lucrative rewards of having the children, the house, much of the superannuation and child support more marriages would stay together and fewer children would live in poverty.

- f. **Reduce crime.** Studies have found in Britain and America that there is a direct statistical link between single parenthood and crime rates including violent crime and burglary. (Neither poverty nor race accounted for the crime rate.)

In addition to these factors, the absolute contempt fathers who have been through the Family Court have for the law encourages a disrespect for the law and the long term increase in crime including vandalism to murder results.

- g. When children are living with their natural fathers there is **less drug abuse, less mental health problems and better educational performance.** (See "The facts on Fatherlessness")

Shared parenting should begin when the child is old enough to go into preschool and should be in place when the child enters kindergarten.

OTHER NECESSARY CHANGES TO FAMILY LAW

1. The Family Court must be replaced by a tribunal.

a The Family Court causes any animosity between the parents to drastically increase making the repair of relationships between the parents difficult and this has a long term adverse affect on the child.

b. The outcome of the Family Court is biased against the father (fathers know the outcome) and this leads to violence, suicide and homicide and now , apparently attempted terrorism as seen by the attempted hijack of a Qantas jet earlier this year.

c. By not having a Family Court it would not be able to be used as a weapon against the husband.

d. The Family Court would not be able to be used by a husband who controls the family assets against a wife who may have little financial resources and in such cases (where the husband is in private business) the wife would not be driven into poverty by legal costs.

e. At least 40% of people can not afford the cost of the Family Court and this is an unfair and undemocratic situation and can lead to anger and violence.

f. The Family Court is a lottery depending on what judge sits on the case. Some judges are more bias than others. The Family Court can not be a lottery. This only encourages violence because of unfairness.

g. The Family Court will not enforce its own rulings when women are orded by it to allow the father access through its own court orders but they still refuse to allow the father to be near the children. Men have spent up to \$100,000 in legal costs, have been given court orders allowing access but have been refused access by the mother and the judges have done nothing to make the mother follow its own ruling.

h. The family court rulings can be based on lies as experienced by this writer, and ordinary working people can not afford to stay in court fighting lies. One man had reportedly spent \$40,000 proving his wife lied and after he had done so had little money left to fight for his children!

Two personal friends of this writer have been battling the lies of their former husbands who has been able to hide major assets through accounting tricks and tax and business laws.

2. Spouse maintenance must automatically lapse when child support is introduced.

g. Child support is administered by the Child Support Agency. The spouse maintenance is administered by court orders. Neither fully takes into account the other. Most men can not afford both yet men have had to pay both which can add up to more than the income of the father if taxes and other living expenses are taken into consideration. This situation has resulted in male suicide and because of the unfairness could quite likely result in homicide because of the unfairness and stress placed on the father.

3. Section 121 of the Family Law which prohibits media disclosure of Family Court proceedings has to be abolished.

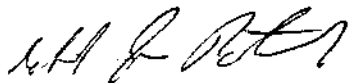
If Section 121 had been abolished earlier and the public knew of the relationship between the 1000 or so male suicides because of the Family Law many men would be alive today because the the Family Court would be made accountable and the public would not allow a situation which costs the lives of 1000 men a year to continue.

4. Child support payments to be tax deductible.

Approximately 40% of separated fathers do not work and do not make child support payments because with most of their income going to either child support or tax it is not worth their while to work. By having child support payments tax deductible more fathers would be able to afford child support payments because they would have greater incentive to work.

Also while fathers are not working they are not contributing to a superannuation scheme and hence will be a financial burden to the government and the tax payer when they are at an age when they would draw on their super.

Yours sincerely,



Robert Patrech