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on Family and Community Affairs

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The Committee Secretary
Standing Committee on Family and Community Affairs
Department of the House of Representatives
Parliament House
Canberra ACT 2600



SUBMISSION TO PARLIAMENTARY INQUIRY INTO SHARED PARENTING

I am a non-custodial father with five children aged from 6 to 15 years. I have been separated for six years. During that time I have had close contact with many other single fathers.

I strongly support the fundamental right of every child to equal contact with both the mother and the father. This right should not be terminated or abolished if the parents separate. The concept of post-separation single parenting should be expunged from our thinking. The practice of post-separation dual parenting should prevail as the norm. How this would be achieved would depend on the individual circumstances of each case. If this standard, or beginning point, was established at the time of separation, then there would be enough flexibility to meet the changing needs of the children as they grow and develop over time.

In support of the shared parenting proposal, I present the following understandings and observations:

A: A FAMILY MODEL FOR A MODEL FAMILY

The best family model for nurturing, caring for, protecting and supporting children (financially, emotionally, socially, intellectually and spiritually) is the intact, two biological parent family. Beyond this nucleus is the involvement, support and protection of the extended family of grandparents, aunts, uncles and other relatives. In an outer circle of protection and support is the wider community, both formal (church and school) and informal (friends and neighbors, and ethnic, cultural and sporting groups).

The Government's role should be to provide a safety net (both financial and protective) around this zone of nurturing, care and protection.

None of these supporting groups, including the Government, should usurp, undermine or displace the roles, responsibilities and authority of the parents.¹

B: THE SEPARATED FAMILY IN AUSTRALIA TODAY

When the intact family breaks down as a result of relationship difficulties between parents, the consequence in Australia is that one parent (in about 90% of cases, the mother) becomes the custodial, or controlling, parent and the other (usually the father) is removed from the everyday life of the child.²

This outcome has been engineered by the legislative environment and by the culture and bias of the Child Support Agency and the Family Court of Australia.

I believe that the well-documented harm this does to children can be substantially lessened by the introduction of shared parenting as the standard and goal for separated parents.

C: SHARED PARENTING – A BETTER OPTION FOR SEPARATED FAMILIES

The optimum environment for the care and nurturing of children will always be the intact family. Shared parenting by separated parents can only ever be second best. However, it is by far the best option when the intact family fails. Children need the continued love and care of both parents. They need this most at the time of their parents separation and to deny it them is to compound their sense of loss and uncertainty.

The specific details of how the shared parenting will be organized will depend on the individual circumstances of each family. Arrangements for the care of their children can more easily be negotiated between parents if shared parenting is the beginning point.

¹ Jennie George MP, Federal Member for Throsby, in her Families Information Kit, which was distributed to households in her electorate, states that:

“Governments must never seek to replace the roles and responsibilities of parents, or presume to make decisions for them, but must do whatever is practicable and necessary to help families function and give them freedom to make their own choices.”

This view is diametrically opposed to the Family Court’s practice of the forced removal of one parent from the everyday life of the child, and also to each and every action and decision of the child support agency.

² Senator Amanda Vanstone recently expressed concern over the results of recent research which revealed that 39% of the youngest children in a separated family have had no contact in the last 12 months with their non-custodial parent. Another recent report from the Australian Institute of Family Studies reveals that one in three children who still have contact with their non-custodial father never sleep over. Only about 40% of children in separated families spend nights with their father. For most of them this is only every second weekend. This is a tragedy.

D: SOME OF THE SOCIAL BENEFITS OF SHARED PARENTING

The introduction of shared parenting will:

- i) Restore fathers to their children, and children to their fathers and prevent in both the continuing sense of anger, frustration, loss and grief that the present system has introduced into their lives.
- ii) Offer relief and assistance to single mothers in their parenting responsibilities. Single mothers will have more opportunities to develop skills and qualifications that will better equip them to re-enter the workforce. They will also have the time to pursue other leisure or cultural interests that will provide them with a sense of personal fulfillment, well-being and balance.
- iii) Restore to fathers a sense of hope and purpose. Giving back to fathers the opportunity to express their fatherhood gives them the capacity to retain their sense of identity and self-value. This will substantially reduce their high risk of suicide and potentially save about 1000 lives each year.³
- iv) Restore to children the unique and irreplaceable role of a father in their lives and a role model for both sons and daughters. This will bring closure to the era of stolen generations, and turn the tide of fatherlessness in our nation.
- v) Allow a greater degree of flexibility in care arrangements over time as children grow and circumstances change.
- vi) Remove a major source of ongoing and unresolved conflict between parents in their battles over custody and access. This would stem the flow of family assets, income and financial resources to the multi-billion dollar family law industry that depends on the adversarial nature of the Family Court in Australia. The size of the bloated family law industry bears testimony to the fact that the Family Court creates, rather than resolves, conflict between parents. It does this by creating and promoting the cult of the single parent post-separation family. No Australian industry should be permitted to prosper and flourish on the misery of others which it has created for no good reason, and entirely for its own benefit. This immoral, perverse and corrupt.
- vii) Remove from children the burden and curse of becoming a financial resource for the benefit of one parent, conditional on the forced removal of the other parent from their lives.⁴
- viii) Remove many of the obstacles to reconciliation between parents. It may also create an environment conducive to reconciliation.
- ix) Allow for greater flexibility and equality in property settlements thereby removing a substantial enticement and encouragement for separation.

³ Separated fathers were identified as a high risk group at the National Workshop on Suicide Prevention for Males aged 25-44 held in Canberra on May 6th & 7th 2003. As a consequence the Chairman of the National Advisory Council on Suicide Prevention, Professor Ian Webster, began conducting talks with the Family Court of Australia. The workshop also identified the activities of the Child Support Agency as a major contributor to the high suicide rate of separated fathers.

⁴ The Minister responsible for the Child Support Agency agrees. He recently publicly declared that "The formula used to calculate child support payments is a disincentive to work and discourages divorced parents from sharing childcare." (Weekend Australian June 21-22 2003)

- x) Prevent the abuse of children by Family Court counselors conducting Court-ordered Family Reports.⁵
- xi) Lead to the abolition of the Child Support Agency by making it irrelevant. This would restore to fathers their economic autonomy, financial security, motivation to work and moral integrity⁶
- xii) Reduce the unemployment rate for non-custodial parents paying “child support” from 41% to the national average of about 6%. This will save over \$1 billion in lost taxation revenue and close to \$2 billion per year in unemployment benefit.⁷
- xiii) Reduce poverty and the black market economy.⁸
- xiv) Reduce Government expenditure on child care subsidies.
- xv) Provide greater security and peace of mind for children. The impact on them of a carer-parent dying would be diminished.

E: THE FAILURE OF SINGLE PARENT FATHERLESS FAMILIES

The social experiment of single parent fatherless families has clearly failed. The stolen generation of fatherless children in Australia today number about one million. This national disgrace has been created by:

- (a) Legislation controlling the Child Support Agency and the Family Court of Australia.
- (b) The militant feminist culture of the senior bureaucrats of the CSA.
- (c) The family background, personal history and experiences of the Chief Justice of the Family Court of Australia, Alistair Nicholson. His view that the involvement of fathers in the everyday lives of their children is unimportant is reflected in the decisions made by Family Court Judges
- (d) Welfare benefit driven out of wedlock births.

⁵ Refer to Appendix 1 –two articles on family reports published on the Fatherhood Foundation website: fathersonline.org

⁶ The Child Support Agency is nothing more than a debt creation and collection agency. It has failed in all 5 of it’s objectives. This is because it was created to reduce Government spending, not to support children, and because it is based on false behavioral science. Recent research by Prof. Ernst Fehr, of the University of Zurich, revealed that voluntary compliance cannot be achieved by the use of explicit threats. Dr Abhijit Sengupta, of the University of Sydney, an economist and expert in game theory, agrees “ If what you demand is unreasonable, and you then couple that with a threat of sanctions, it completely destroys co-operation.” The failure of the CSA confirms this. No responsible father should co-operate with the CSA. Those few who do, act in ignorance.

⁷ Analysis of CSA facts and figures 2000/2001 by John Flanagan (Refer to Fairness in Child Support (FICS)submission).

Appendix 2: Analysis of CSA facts and figures 2000/2001 by Property Investment Research.

⁸ The “cash economy” in Australia today is about \$100 billion per year. This is about 15% of the whole economy and about the size of the economy of New Zealand. (Sydney Morning Herald, page 1 Sat 26th July 2003) There are good reasons to believe that the activities of the Child Support Agency contribute significantly to this. Consider, for example, the father of three children with the standard fortnightly visits and half the school holidays. Earning over \$30 806 would result in the loss of 30% tax, 32% child support and 30%of his family allowance benefit. He would get to keep 8% of his income, much of which would be spent getting to work. He has three options: 1-Don’t work 2-Work for nothing (or more correctly, work to provide income for his ex-partner and thereby underpin the system that has deprived him of his children) or 3-Work for cash payments. The choice is easy.

Children in single parent fatherless families are:

- Six times more likely to be poor
- Likely to stay poor longer; 22% will experience poverty during childhood for 7 years or more, compared with 2% in two parent families
- Two to three times more likely to have emotional and behavioral problems
- More likely to drop out of high school
- More likely to get pregnant as teenagers
- More likely to abuse drugs
- More likely to be in trouble with the law
- At a much higher risk of physical and sexual abuse

These children do not bounce back after divorce. Their difficulties often persist into adulthood. They have a harder time achieving success and happiness in love and work. They are less likely to:

- Achieve intimacy in a relationship
- Form a stable marriage
- Hold a steady job⁹

F: RESPONSIBILITY FOR SOCIAL AND ECONOMIC PROBLEMS OF FATHERLESSNESS

The responsibility for these problems does not lie with single mothers, who are often courageous in overcoming adversity, and who generally struggle to do the very best that they can.

Responsibility for the problems associated with fatherlessness lies with the legislative, cultural, social and welfare environment that condones, promotes and cultivates the ideology of single parent and fatherless families. Responsibility lies also with the complacency of a society that has, until now, accepted it as inevitable and impossible to reverse, with legislators who need votes to push them into action, and with the judges of the Family Court, who ignore the intent of existing legislation and create their own law by making decisions which reflect their anti-father bias and prejudice.

G: THE SEASON FOR CHANGE

The time for change is now. The need for change is long overdue. There is a changing mood and awareness within Australian society today that demands it.¹⁰ There are

⁹ Refer to Appendix 3: article in Atlantic Monthly "Dan Quale was right" by Barbara De Foe.

¹⁰ This was illustrated in a speech by Mike Jeffery, the new Governor General, on Dec 3rd 2002. He declared that the no-fault divorce legislation of the Whitlam era, while well-intentioned is proving to be a social disaster. He observed that it has led to increasing separation rates, boys growing up without a reliable male role model and immense stresses on sole parents (mainly women).

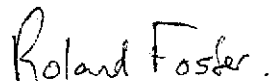
meetings, workshops, forums and conferences being held throughout Australia that strongly support shared parenting for children of broken families.

In February 2003, a National Fathering Forum at Parliament House, Canberra addressed the problems of fatherlessness and family breakdown in Australia. The 25 delegates who presented papers, representing a diverse range of groups, developed and agreed on a Twelve Point Plan. This was released by Mark Latham, Shadow Treasurer, in July 2003. Point six states that Governments need to:

“Acknowledge that after divorce or parental separation, every child has a fundamental right to equal contact with both the mother and the father unless there are proven mitigating circumstances.”

Shared parenting, achieved through legislative intervention, will restore fathers as equal partners with mothers in the care of their children. The authority to make decisions about the role and responsibility of fathers for the care and nurturing of their children should not remain with the judges, counselors and government bureaucrats where it currently resides. These people know and care nothing about the children whose destiny they determine. This authority should be returned to fathers where it belongs. Single parenting should be confined to the dustbins of history.

Roland Foster

A handwritten signature in cursive script that reads "Roland Foster".