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Submission No: **1558**

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Secretary:

Key Points in addition to the submission from LFASA

The primary focus of Government and (both) parents should be on "the best interest of the child".

The nine points in current legislation defining the "best interests of the child" are unsatisfactory and clearly need review. Four of the points clearly disadvantage fathers as custodians of their children. There is an over-emphasis in the list on points relating to violence and money. A more relevant emphasis would be such aspects as:

- Shared interests between the father and child
- The confidence of the child in the father
- The enjoyment by the child of the father's company
- The father as a role model for the child

Children have a fundamental right to experience contact with both parents.

Equal contact with both parents is in "the best interest of the child", allowing both parents to play a role in their children's lives. This increased contact will in our experience result in **better child support compliance** and **minimise the number of male suicides** as a result not being able to see their children.

As Family Court does not appear to be willing to enforce their orders a **Child Access Agency** appears to be needed to resolve child access problems.

There is a large emphasis at present on the male parent in a separated couple having to work compared with the female parent when in fact most married couples both work to support their family and life style.

The reasons given for having different exempt incomes for payers and payees do not hold water:

- Both need to have housing
- Both need to be clothed and fed
- Both need transportation and associated costs
- Both need to contribute to support children
- Both have hospital medical and dental expenses
- Both have pharmaceutical expenses
- Both have heavy unnecessary legal bills
- The cost of earning an income
- Cost of contact

Domestic Violence is **not gender specific** and AVOs are frequently used by one partner as a tactic against the other. This is an area which must be addressed in any changes to Family Law. Severe penalties should be imposed for false allegations of domestic violence or child sexual abuse.

At present the system appears to be rebuttable presumption of single parenting in favour of the mother. This system is totally inequitable to all parties and disadvantages the children after separation as they are likely to:

- Be under achievers
- Be involved in crime
- Suffer mental illness
- Become drug abusers

Than those from a shared parenting regime.

The best advice we can give the committee is to recommend to the Government a rebuttable presumption of shared parenting be set in legislation. This will solve most of the problems with the current system. If we can get it 90% correct it is better than the current situation being 90% wrong.