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Submission

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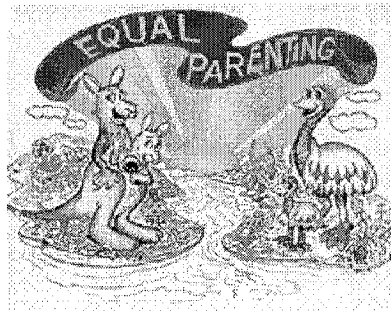
Family Law Amendment
(Shared Parental Responsibility) Bill 2005

to the

House of Representatives Standing Committee
on Legal and Constitutional Affairs

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Parliament House, Canberra ACT 2600
Ph: 02 6772 2358, Fax: 02 6772 4427



by: The OzyDads Network



23 July 2005

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The OzyDads Network ("**OzyDads**") welcomes the opportunity to make this submission to the House of Representatives Standing Committee on Legal and Constitutional Affairs ("**The Committee**") in relation to the draft Family Law (Shared Parental Responsibility) Bill 2005 ("**The Bill**")

We fully endorse the recommendations of the Shared Parenting Council of Australia, but add these further suggestions.

OzyDads support much of the findings contained in the "Every Picture Tells A Story" report of the House of Representatives Standing Committee on Family and Community Affairs ("**The Report**") but were very disappointed that a rebuttable presumption of Equal Time Shared Parenting was not included in the Report's recommendations.

Our understanding of the governments response to the Inquiry's Report was to achieve a substantially equal Shared Parenting outcome in the majority of cases, however we believe that the Bill fails to achieve this and we reject the Bill in its current form.

The Report supported the fundamental human right of every Child to be loved and cared for and to have an equal opportunity to develop a nurturing relationship with BOTH parents, and that both biological parents have the fundamental human right to be treated as being of equal ability and importance in the day-to-day and long term care welfare and development of their children.

We believe this can easily be achieved by amending the Objects section of the Act to enshrine into law the Child's Right to a substantially Equal Time relationship with both parents, and to enshrine into law each Parent's Right to Equal Parenting Status.

The Report recommended redefining the terminology 'Residence / Contact' to remove distinction between parents as to their parenting capacity, duties or responsibilities or to their roles as parents in their children's lives. To redefine 'Residence' and 'Contact' to 'Lives with' and 'Spends time with' will do nothing to dispel the prejudicial difference of the previous terminology.

For some time now all Orders sought by OzyDads have been for 'Residence/Residence' even if not for 50/50 time share, and a growing number of these applications are being granted by the Family Court. The only problem with 'residence / contact' terminology is when it is used to empower one parent with a means to wreak emotional havoc on the other disempowered parent.

The word 'contact' is most apt in describing 'telephone contact' and/or 'grandparent contact' but to Equalise the STATUS of both parents the court should FIRST consider a 'residence/residence' model before exploring any other child custody regimes.

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The Report illuminated a clear correlation with the high incidence of false allegations of spousal violence and child abuse in child custody matters, but the Bill does nothing to acknowledge or discourage such perjury.

We believe that the government should send a clear message to the community at large, that it is not acceptable for citizens to lie in court and that sanctions will apply in equal proportion to the potential penalties applicable to the degree of severity of the calumnies told, if the allegations are found to be false.

The Bill also needs to be amended to provide provision for parents with current orders issued by the court to have their situation reassessed under the new legislation without the status quo established by their current orders prejudicing their application.

Where a parent relocates the children away from the other parent in a way that prevents equal time parenting from being a reality then the children should be ordered to be placed in the residential care of the left behind parent. And the move away parent be afforded the opportunity to return and partake in a Shared Parenting regime.

If the move away parent persists with the relocation for an extended time then legislation should instruct the court to invoke the criminal code for kidnapping, wherein by definition "a child has been removed from the place where they normally reside."

We will never eliminate the animosity felt by the Australian community towards the Family Court until every Man, Woman and Child can reasonably expect to be treated equally before the law.

We respectfully request the honourable members of this committee to consider the points made above. This is once in a lifetime opportunity to do something of genuine importance to the Australian community and for the good for humanity.

Attached are recent letters to my local MP and to PM John Howard regarding this issue.

Yours Sincerely

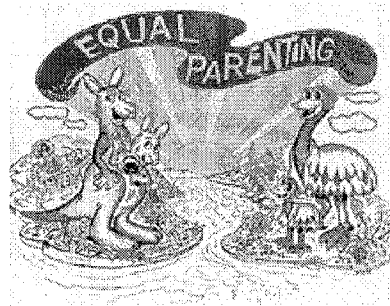
Lionel Richards.

The OzyDads Network



OzyDADS.net

www.OzyDads.net



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Letter to:

Don Randall Don.Randall.MP@aph.gov.au

Dear Don,

I am concerned with the government's proposed Family Law reform which I do not think will achieve any better outcomes, as children will continue to be summarily deprived of the nurturing and protection of their loving fathers. (same old same old)

I believe that we need to ENSHRINE into law the CHILD'S fundamental human right to both parents.

As a father and a citizen I need to know that every Man, Woman and Child can expect to be treated EQUALLY before the law with no special dispensation for gender, especially in matters of Spousal Violence, Child Abuse and Good Parenting, all of which statistics confirm to be relatively gender neutral.

Please raise this issue strongly for me, your constituent, if you ever get the ear of the Prime Minister, and please argue my case as best you can, if and when this important matter ever comes up before you in debate.

Here (copied below) is my most recent letter to Prime Minister John Howard which aptly expresses my views and is quite self explanatory.

I look forward to catching up with you again to discuss these problems further and to address some solutions.

Thanking you in anticipation,

Yours sincerely,

Lionel Richards www.LionelRichards.com


OzyDADS.net
www.OzyDads.net

Letter to:

Prime Minister, The Hon John Howard MP
C/- <http://www.pm.gov.au/email.cfm>
Cc: Don Randall Don.Randall.MP@aph.gov.au

22nd July 2005

Dear Prime Minister,

As international convenor / co-ordinator of the OzyDads Network www.OzyDads.net and as Australian advocate of the International Council for the Status of Fathers www.FatherStatus.org, I salute your government for acknowledging the dire need to reform the Family Law industry, and for recognising the immense benefit to children who maintain a close meaningful relationship with both parents after a family breakdown and divorce.

I congratulate the Shared Parenting Council of Australia www.sPCA.org.au for successfully lobbying the issue of Shared Parenting onto the front burner of the political hot plate, and I applaud the hard yards achieved by the SPCA's President Michael Green QC and Executive Secretary Wayne Butler, in negotiating some excellent finer points for inclusion in the SPCA's proposed amendments to the Exposure Draft Bill. But for all the good it will do. NOTHING will change without fixing the gender bias that is currently entrenched in the Family Law industry, and millions of unstable family units will continue to veer out of control.

Reinventing the wheels designed into an oblong shape to counteract the steering bias, is a most ineffective way of rectifying the directional control problem.

Clearly a simple adjustment to the steering mechanism in uninstalling the aftermarket gender bias, will fix the problem in a majority of cases.

The OzyDads Network rejects the Government's proposed Exposure Draft Bill as we strongly believe that despite the best of intentions, it fails to deliver the likelihood of any better outcomes for everyday families who encounter the Family Law arena.

I don't understand why but I do accept to be the case that the concept of a "Rebuttable PRESUMPTION of Equal Time Shared Parenting" has been ruled out of the equation, so why not simply amend the objects section of the Act, adding a sentence or two to Enshrine into Law, the Child's Fundamental Right to a substantially Equal Time Relationship with Both Parents, and to instruct the judiciary that they must consider an Equal Shared Parenting regime before all else.

In the lead up to the last election, you acknowledged to me on Perth radio 6PR that "...The Family Law system in Australia is not working well.." You said that "...It does result in too many fathers being disconnected from the upbringing of their children." You also said "I can understand the anger of many fathers who are not allowed to have as big a role in the upbringing of their children after a marriage has broken up as they should." You agreed that "This is quite an important issue" and expressed your intention to enact reforms that will result in fewer of the cases that I was referring to.

You acknowledged the existence of the problem and promised that you would FIX it, and I believe that you are TRYING to deliver the goods. Basically the side issues as negotiated by the Attorney General's staff and lobby groups like SPCA are excellent for what they're worth, which is absolutely nothing without removing the gender bias enshrined in case law and status quo.

I have written to my local Member Don Randall MP asking him to raise this issue with you on my behalf and to argue my case if it comes up before him in debate, to amend the "Objects Section of the Act to Enshrine into Law the Child's Fundamental Right to a Substantially Equal Time Relationship with Both Parents.

Please take heed of his plea on behalf of me and the children of hundreds of OzyDads.

For further comment please feel free to phone me on 0414 345000 or <mailto:help@ozydads.net>

Yours Sincerely,

Lionel Richards



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