

Family Law Amendment (Shared Parental Responsibility) Bill 2005

Submission by Mr Michael James Taylor of Narellan Vale, NSW, made on 15th February 2006.

the introduction of a presumption of joint parental responsibility.

In law joint parental responsibility will be left open only to interpretation and as such will likely have little affect. For 30 years it has been seen that the interpretation of family law has led progressively to the destruction of the family, this is clear with the massive rate of divorce. What may not be so clear to some, although any interested in the area of the family should be aware, is that the consequences of these divorces is also systematically destroying the very fabric of society. You need but read the news, to hear of youngsters committing murder. Why is this so, it is because of the removal of the father, directly and or indirectly by the Family Law system. Research study after research study shows the importance of both parents in a child's life. They show the damage that removing a parent can do, today we all witness the ever increasing devastation of the last 30 years. Am I condoning a return to the era of divorce by default? No I am not. I am calling for a system that looks to the real best interest of a child, this in all but the rarest of cases, can only be achieved by either disallowing divorce or by making the divorce process that involves children non adversarial. Joint parental responsibility will not accomplish this, it will just introduce a new area for argument and hence adversity. To remove adversity it must be made clear to both parents they enter into the process of parenting in separation, that they have equal responsibility; this can only be achieved if such equal responsibility in all areas is set as the starting point. Thus the legislation must make it clear that a presumption of 50% of all responsibilities lays with both parents. Undoubtedly there will be the need for many separating parents to have the option to move away from this, but such movement should only be by agreement. This being in stark contrast with current Family Law that treats one parent, primarily the father, as one who is only responsible for financial support.

There are groups that are saying that allowing children to see more of their fathers will lead to greater danger. This is primarily based upon the myth that the male is more prone to violence, which radical feminism has used and nurtured to fight not for gender equality but for female supremacy. In fact study after study, unless conducted as a cherry picking exercise, shows that domestic violence is pretty much gender neutral and if anything that the myth has been represented the wrong way round. There are also studies that show that in actual fact the most unsafe for a child is in the household of the single mother. These groups must be aware of such findings and a s such are actually advocating harm to children. Why would that be the case? I guess there are a number of reasons but most would come down to selfishness and greed. Selfishness of custodial parents, primarily mother, who wrongly think that their sole care is best for their children. Selfishness that leads to so many children being abused and disadvantaged. Abused? Yes why does the UN Charter state that a child has the right to know and to be cared for by the child's parents? A charter that Australia has said that it accepts by being a signatory. Greed, there are many that exploit children of separation, to line their pockets. There is undoubtedly a percentage of the 90+% of mothers who gain custody, who lie and fight for that custody primarily as a means of supporting themselves and their lifestyle. A lifestyle that too often involves the use of illicit drugs and of alcohol.

The children of separation must be protected from violence and also from other abuse, especially neglect and emotional abuse. To correctly protect the children of separation, such protection must not take them from the proverbial frying pan into the fire, especially when so often that frying pan is not on the fire.

To ensure the protection of the child's best interest then only substantiated and reasonable claims of violence should be considered.

Thus I submit that the legislation that be adopted consist not of joint parental responsibility but that it be stated and legislated as a **presumption of equal responsibility, especially including equal custody, rebuttable by agreement or rebuttable upon substantiated grounds.**

the requirement for parents to attend dispute resolution and develop parenting plans before taking a parenting matter to court.

It is my belief that this is an improvement, however that the legislation must include measures that ensure that remove any form of gender bias and also that there are measures that look at societal indicators that the mediation/dispute resolution is making the expected improvements.

Also to ensure that a fair playing field is maintained, parents must be enforced to ensure that until parenting orders are agreed and made that the child not be moved more than say 10 kilometres from where they resided prior to separation. Contravention should result in an immediate return of that child to that area and to the custody of the other parent. Exceptions would only be upon written agreement or upon substantiated grounds of fear for the child's safety.

improvements to enforcement of parenting orders

This is most certainly an area that needs attention, cases abound of parenting orders being flouted time and time again, with no deterrent action being taken. In fact there are known cases whereby instead of a breach of court orders being penalised, the breach results in the offender being rewarded and the victim's, both the child and the other parent, being punished.

Rarely, if ever, can it be in anyone's best interest to be taught of justice being a system that rewards the villain, as that will only breed more villainous behaviour.

The matter of punishment is undoubtedly hard to consider without unduly affecting those that should not be affected. However to not punish would result in the innocent, often the child, being adversely affected. As such the courts must seek and apply appropriate punishments. Perhaps community service work could be an example, perhaps projects similar to work for the dole could be implemented. In fact work for the dole could be extended to accommodate such court ordered punishments.

better recognising the interests of children in spending time with grandparents and other relatives

This is again an area where for far too long children have been denied their right to a full family. Too frequently children lose half a family due to one vindictive parent. Every child should have the right to maintain relations as much as they did before separation. Relevant here also is the provision that should be made to ensure that children are not moved further than a set distance from the location in which they resided prior to separation.

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