

Committee Secretary
Senate Legal and Constitutional Committee
Department of the Senate
Parliament House
Canberra ACT 2600
Australia

To whom it may concern,

the introduction of a presumption of joint parental responsibility;

The wording used is contradictory to itself, to make this presumption and not include sharing care of the children, is not truly joint parental responsibility. To make one parent a financial contribution and the other a carer contribution, is not joint parental responsibility. As a parent who actually shares all these responsibilities, including care, my personal thoughts are that we need a more specific situation, because the current system tears children from their parents, and only serves to make the legal profession rich.

We need to wake up and be honest here, the current Family Law Act does nothing for parental responsibilities, I am talking about "no fault" divorce. If you want to make a parent responsible after divorce, then you have to have that responsibility embedded prior to divorce, otherwise its just an Act of hypocrisy. You cant have that in law! You can't have a law that says, hey your not allowed to blame the other party and at the same time say, after the fact, that you are supposed to be responsible. No Fault policy equates to No Responsibility policy, at least where children are concerned, that's how I see it, anyway.

I think we need some sort of recognition of blame where one parent has sole custody and the child is exhibiting criminal behaviour, that is a parental responsibility beyond the control of a parent force removed by FCA, see WA's Parental Responsibility Bill.

I also believe that a line of communication between parents post separation is necessary, even if domestic situations have been happening. You cant have a court saying your responsible for this child, but you can't communicate unless (by whispers, looses something in translation) through a solicitor.

I also sincerely believe that the Act needs a cooling off period, where parents have time to get over the pain of a relationship break-up, the grieving period, and allows someone to organise work around caring for their children in a responsible manner. The current status quo assumption by FCA is a joke, status quo shouldn't be assumed until after court orders are made.

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

In theory, this is a great idea, but I have to agree in part with Ms Roxin's dissenting report that the government is just assuming this will go ahead, and spending taxpayers moneys illegally to set this in motion prior to the Act passing through parliament. That's just one concern, my biggest concern is that parenting plans agreed to in these FRC's wont be recognised by FCA as legally enforceable. This will create the situation that as soon as you sign off on these plans, either parent can just up and leave Australia with the child, and without risk of breaching any law. The FCA should be required to be able to enforce these plans as though they were court orders, should any like situation arise. I have concerns also with costing of attending these FRC's and what qualifications staff will be required to have.

improvements to enforcement of parenting orders;

What is the point of this, the act already has provisions for enforcing parenting orders, The FCA just chooses not to use these. A parenting order is a court order, plain and simple, and any breach of such is inexcusable, the FCA just does not enforce contempt of court, for that is what breaching a parenting order is. If it was a driving offence, first appearance you get a fine and loss of licence, second appearance you get jail. When its a parenting order, it depends on what sex you are, how it will affect the children, etc. etc. My personal belief is fine the first time, no discrimination, second offence give the kids to the other parent and send the offender of to jail or community service. If the FCA enforced this, you would see a dramatic drop in breaches of parenting orders. Once again I will reiterate that the FCA needs to recognise parenting plans as enforceable, with like penalties for breaches.

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

How about recognising first of all, that dads are parents also. I have no problems with my ex in laws, I have even spent nights at their place, with my children, and they respect what I am doing for my children. I also have no problem if my kids want to spend time with their mums parents during school holidays when they are in my care. I also know that the reverse situation is equally recognised by their mum when it comes to my parents. I know of situations, where a mans ex in-laws get to spend more time with his kids than he does, and the usual cause is vexatious claims by the mother. This proposed bill should also bring Children's Court and state run DOCS type departments under this federal act. DOCS and Children's Court are more likely to place the child in foster care than with their other natural parent.

Its time, to stop listening to all the fear mongers, and those that stand to gain financially from the embedded animosity that the current family law act promotes, and start listening to those affected by judgements made under the act, the parents and kids of Australia. My personal opinion is that this matter should be put to a public referendum of those people affected directly by this act, the parents of Australia. Get rid of any submission by a law group, or an interest group and just take those submissions from private citizens, and read through them, see what sort of pain this act causes. I further find the reasoning behind changing the Family Law Act1975 a joke, the number of complaints to MP's should not be a factor, just evidence that the Act is flawed.

I reserve the right to make further comment, should this proposed bill be returned to LACA, or further submissions be called for.

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Equal parenting time is for the children.

Recent ABS figures show, that a child is safer post separation with their natural father, than with their natural mother and/or her and a de-facto or married partner.

Kathleen Folbigg - Munchausen's Syndrome or just killer mummy.