

Committee Chairman  
Senate Legal Constitutional Committee  
Department of the Senate  
Parliament House  
CANBERRA ACT 2600

Dear Chairman

We thank you for the opportunity to give our submission to the Senate Committee on the proposed Family Law Amendment (Shared Parental Responsibility) Bill 2005.

Bill Number 05196. The Fatherhood Foundation has submitted two previous submissions to both the 2003 and 2005 inquiries on this subject as well as organising many forums, focus groups and conferences and we feel that we are very much aware of the many issues, questions and the desperate need for wise and just reform for the future wellbeing of Australian families, including men, women and children. We include our two previous submissions for your perusal. Father than multiply needless words, we propose to keep our submission brief and to the point.

1) The Fatherhood Foundation believes the time has come to put the proposed Family Law Reform Bill (2005) to the vote. In the light of the enormous effort by politicians from both sides, any further delay is unnecessary. We object to the rationale behind the calling of this enquiry and the need for further enquiries. The families and children of Australia can wait no longer for equality and justice in family law. They have already waited too long.

2) The draft of the current bill, while well intentioned is fatally flawed as it fails to guarantee equality for mothers, fathers and children before the Family Law Court. The concept of Family Relationship Centres as the first stage of help in family breakdown is a great concept in theory. The unfortunate reality is that only one out of ten counsellors within the profession is a man, and the counselling industry has, in general a strong reputation for anti-father, anti-male bias. Unless firm and unequivocal directions are given to the Family Law Court to treat mother, fathers and children equally. As a starting point in child custody arrangements it must be acknowledged that every child has a fundamental right to equal parenting time with both mother and father unless there are proven mitigating circumstances, or unless the parents agree to alternative arrangements.

3) The Fatherhood Foundation believes that women should be treated equally to men when it comes to payment for work. We support the principle that women should receive equal pay for equal work. Shared parenting will promote equal pay for women by giving both parents equal opportunity to work.

4) The Fatherhood Foundation, after analysing reports of domestic violence from all over the world has come to the conclusion that gender violence is almost equally divided between the genders. To use false allegation to obtain custody of children is a disgusting abuse of the law and should never be allowed. Those who practice perjury should receive due penalty whether male or female. Domestic violence by men or women within the family unit is to be condemned by all and should attract the full force of the law for all perpetrators whether male or female. Therefore deliberate attempts to isolate a child from a parent without just cause (eg false allegations of domestic violence) should also be considered an act of domestic violence.

5) The Fatherhood Foundation believes that the proposed bill should contain an affirmation of the importance and the benefits of marriage. Children need a warm close relationship with their biological mother and father. The best way

to secure this is through successful/loving marriage. The USA Congress recently approved \$500 million for marriage education, renewal and promotion programs. The Australian government should follow their lead. The Family Relationship Centres should be instructed that their first priority in mediation should be to seek reconciliation and restoration of marriage. The Australian Parliament must put a premium on marriage. One ounce of prevention is worth a pound of cure. The long term answer to the spiralling divorce rate is the restoration and renewal of marriage in Australia.

We urge the Senate Committee to honestly consider all the facts and ensure justice and equality for men, women and children who are suffering the enormous pain of family breakdown.

Yours sincerely  
Warwick & Alison Marsh

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Attached are the following:

Fatherhood Foundation Submission 2003 Inquiry

Fatherhood Foundation Submission 2005 Inquiry

Fathers in Families Document by Fatherhood Foundation

Family Relationships Centres Evaluation by Paddy Murray 04

Executive Summary of above by Paddy Murray