

To: The Standing Committee on Legal and Constitutional Reform
Parliament House
Canberra
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We enclose our submission to The Standing Committee on Legal and Constitutional Affairs. We realise it is late and we hope that the committee can still include our submission in the finalised list of submissions. The reason the submission is late is because the Fatherhood Foundation is the organiser and convenor of the Sexual Integrity Forum to be held at Parliament House Canberra on the 8th -9th August, 2005. The purpose of the forum is *'to promote good quality relationships between men and women for the purpose of ending the sexual exploitation of women and children in the 21st Century'*. To put it simply, we have put the needs of the women and children of Australia first, hence, the lateness of our application. We hope you might take this into account in acceptance of our submission.

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The goal of the Fatherhood Foundation is that more children will grow up with an involved, committed, responsible and loving father in their lives. We call this 'excellence in fathering'. It is one of our goals that Australian fathers can be 'the best dad's in the world' for their children.

The Fatherhood Foundation has studied data on the importance of fathers and has recently released the booklet 'Fathers in Families' on the 21st June 2005. This booklet was released at Parliament House, Canberra, at the Fatherhood Forum which was attended by 33 federal politicians including Mr Ruddock the Attorney General.

We attach an electronic copy of 'Fathers in Families' as part of our submission to the committee. To quote from page 5 under the heading 'The Social Problem':

'One of the greatest challenges facing our nation is the social problems caused as a result of Fatherlessness. Australia's current birth rate of 1.75 births per female has fallen below the minimum population replacement rate of 2.1 births per female. Fatherlessness is a direct factor in this decline.

The problem of Fatherlessness has been estimated to cost Australia over \$13 billion per year. Bill Muehlenberg in his article titled *"The Facts on Fatherlessness"* (refer Appendix) has identified the following social and psychological problems

- Poverty.
- Lower educational performance.
- Increased crime.
- Increased drug abuse.
- Increased sexual problems.
- Increased mental health problems.
- Increased physical and sexual abuse of children.

While not every child who grows up in a fatherless situation will experience either one or any of these problems, there is a much greater statistical likelihood that he or she would.

Studies into the potential impact of growing up without a father in the United States have produced the following statistics in relation to boys.

Boys from a fatherless home are:

- more likely to commit suicide;
- more likely to commit rape;
- more likely to commit a violent crime;
- more likely to drop out of high school;
- more likely to abuse chemicals;
- more likely to end up in a state-operated institution;
- more likely to end up in prison.'

The Fatherhood Foundation believes that the problem of fatherlessness is Australia's greatest single social problem and it requires urgent and strategic government attention. We congratulate Mr. Howard on his announcement in June 2003 that he wanted to restore fatherhood in Australia. We congratulate Mr. Howard on his courage to set up an enquiry into Shared Parenting. We congratulate the House of Representatives committee on their move to 50/50 Shared parenting. We congratulate Mr. Howard on the fact that the Attorney General's department under Mr. Ruddock has drafted a first stage Family Law Amendment (Shared Parenting Responsibility Bill 2005).

Whilst we congratulate the government on the intent of the 64 Family Relationship Centres as a bold move to shared parenting after divorce, the whole plan could become a huge vexatious waste of taxpayers' money for three simple reasons:

1. The lack in the currently proposed Family Law Amendment Bill 2005 of any clear direction to the Family law Court that the best interests of the child are equal time and equal access with both parents. The Family Law Court have interpreted the best interests of the child as the consistent removal of children from their fathers for almost three decades. The Family Law Court have refused to listen to the directions of both Labour and Liberal governments in the past. Just ask the Hon. Roger Price MP. Why should they change unless the current government gives clear and precise direction to the court to grant equality to the mother, father and children? Unless equality is the starting point in Family Law, their will be no pressure on couples going through divorce to even bother to attend such Family Law Relationship Centres no matter how 'well intentioned' the government intends them to be.
2. The inherent anti-male perceived bias in the big three government approved counselling organisations which are likely to win the tenders for these Relationship Centres. How can men or women expect fair treatment when these same organisations do not employ equal numbers of both male and female counsellors? Relationships Australia in particular has a shocking reputation for bias amongst the men's and women's groups of Australia. I also enclose a research paper by Paddy Murray on the reasons for the anti-male bias within the Counselling Services industry.
3. As the Fatherhood Foundation understands, the larger government funded relationship counselling services all put in submissions to the House of Representatives committee against the concept of equal shared parenting after divorce. How can the government expect a leopard to change its spots? One widely accepted definition of insanity is to do more of the same and expect a different result. To fund organisations that are against shared parenting to promote shared parenting could well be a case of the former. If the government is serious about the Family Relationship Centres providing positive shared parenting results and better still trying to save marriages which is a much better idea. The

government must introduce new blood into a tired and worn counselling industry that is committed more to political correctness than saving marriages and bringing justice to the children of divorce. Many would argue that the present generation of children who are victims of the Family Law Court of Australia are the new stolen generation. Stolen from their fathers aided and abetted by a corrupted system. As Bob Dylan sang in the sixties 'when will we ever learn?' For the sake of our children we hope to learn soon. Insanity is a painful disease.

The Fatherhood Foundation believes that the problem of family law reform is only 25% of the overall problem of fatherlessness in Australia. Having said that, the Fatherhood Foundation believe that immediate reform of the family law is critical. Reform of the Family Law system is in fact now on the leading edge of change in the restoration of fatherhood. In other words, if the government gets this legislation right and restores the need for fathers to the same level as the need for mothers, it will have done well. If this proposed legislation enshrines in law the simple fact that every child has the fundamental right to equal contact with both the mother and father after divorce or parental separation, unless there are 'proven mitigating circumstances', the government and the opposition will be able to proudly proclaim that this is the greatest piece of family law reform legislation in the past thirty years.

The Fatherhood Foundation would like to acknowledge that the pressing need for family law reform to bring true justice to our children is a problem in many western countries including Australia, New Zealand, USA, Canada and Britain. The present coalition government has a chance to be a leader in the restoration of fatherhood in the western world. To highlight the pressing need for firm and unambiguous government legislation to ensure that both children, mothers and fathers are treated equally before a court of law, the Fatherhood Foundation would ask the committee to read the following letter taken from the public postings on Sydney based 'Dads on Air' website. Identities have been preserved to ensure privacy.

Dear Friends

'As I write this, I am aware that I am probably going to offend some readers, but, then again, I have found that we in society are afraid and unaccepting of the truth, therefore taking offence. I cannot apologize for what I am about to say, however I can only hope to attempt to undo the wrong that I have done.

To start with, here is a little bit about myself. Before I was married, I was an extreme feminist, with the hopes and dreams of equality, having the same thoughts and beliefs as others in the fight for true equality. It wasn't like the feminists of today, who only want to gain complete control, power, and to have revenge, destroying everything that the true feminists have fought so hard for (true gender equality). It is my hope that by posting my story and comments, that it will encourage other women, (we/you know who you are), to come forward and to tell the truth about themselves and their experience. Here is my story, as shameful as it may be.

I am a single mother of two. When I decided to leave my marriage, (I was bored), I went to three different lawyers for advice. I was asked by all 3 of them if I was ever abused by my husband. My answer was, never in any way shape or form was my husband abusive towards me. To my utter disbelief, all of them told me the same thing. Unless I accused my husband of abuse, I would not gain sole custody of my children. They also told me that by making these allegations against him, that I would get EVERYTHING and more. When I asked them how we would prove the allegations, I was told that the courts don't require proof, and to go to a women's shelter, and that they would help me, and that it would support my allegations of abuse.

Having been brought up in a very religious family, I was very uncomfortable with this advice. I was then told by the lawyers, that if I wanted the full support of legal aid, I had no choice but to make the allegations against my husband. Having no money to pay for legal expenses, I did as I was advised. Reluctantly I took my children to a women's shelter. I couldn't believe what I was seeing. On the outside, it appears as they want the public and their funders to see it. This is however, far from the truth.

This place was a form of a cult, (for lack of a better term). Male bashing was a top priority, and the administration was very adamant about recruiting yet another woman (me), to join this man-haters club. They even have a game plan on how to win in court. By following their simple plan step by step, I would not only get sole custody of my children, but also the car, house and land, plus finances for the rest of my life.

However, if I did not follow their game plan, but if I played fairly, I would lose everything, and I would be endangering the lives of other women, and would jeopardize any funding for them. The administration must have noticed that their brain washing techniques were not working as fast as they wanted, so I was 'thrown' at the other women staying there.

Terms such as 'sperm donors', and that all men were abusive and must die, were used on a daily basis. They were very convincing, and not wanting to jeopardize my fellow house mates, I went along with their game plan.

As soon as I said that I would follow their game plan, things moved very quickly. I saw the man that I was once married to destroyed emotionally, financially and physically. I was granted sole custody of our children, and because of a restraining order, I gained the house and car, so that our children wouldn't lose everything that they were used to. Not only was there a restraining order against him, he was also charged with assault. The man who had equally created our children, helped raise them, and who loves them dearly, was ordered to stay away from them, and to pay me, (more than I ever needed), support for them. Like I said, I destroyed him, leaving him with very little to survive.

My brother is now going through a custody battle, where my former sister-in-law is playing exactly the same game that was taught to me by a women's shelter, and my brother is in the same shoes that I once put my ex in.

Knowing how I destroyed my ex, and seeing the wrong that I had committed, I have made it my personal endeavour to help my brother with his fight. He recently joined a men's group, and he receives messages on the net from shared parenting, epoc_news etc. As he was thrown out of his home, he now lives with me, which gives me the opportunity to read the messages from these groups. I must admit, sometimes there is a message or two that is of great help, but for the most part, these groups have to stop playing 'Mr. Nice Guy.'

This letter from a very honest mother shows the incredible level of dysfunction in family law, the legal system and the surrounding support system, both in Australia and the western world. The Fatherhood Foundation is personally aware of hundreds of such cases in Australia similar to this woman's. This is just the tip of the iceberg. We believe that there are tens of thousands of such

cases in Australia today and quite possibly hundreds of thousands of situations where children have been robbed of their father unjustly. Mothers have suffered a similar indignity, and the Fatherhood Foundation knows of at least one case where a mother has committed suicide as a result. This can not be allowed to continue. Justice must be done and seen to be done. Our children need both a mother and a father, both before divorce and after it.

The Fatherhood Foundation would like to affirm full support for the Lone Fathers' submission to the committee and we enclose it as part of our submission. We believe that if the simple changes as proposed by Barry Williams and the Lone Fathers' team are adhered to, we will agree with the government when they say that the proposed bill is the greatest change to family Law Reform in the last thirty years. Anything less than the changes proposed by the Lone Fathers', will guarantee continuous injustice where mothers and fathers are not totally equal in a court of law. Unproven domestic violence allegations will be used as a weapon of war. Worst still, children will continue to be denied equal and fair access to their fathers and their mothers. This will be the ultimate act of betrayal of the children of Australia by the government of Australia. To quote from an old proverb: "*do not withhold good to those who deserve it, when it is within your power to act.*" It is our hope that the government will not withhold the justice that our children deserve when it is within their power to act.

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